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## Appeal Decision

Site visit made on 20 March 2025

**by SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

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**Appeal Ref: APP/E2205/W/24/3353434**

**Land to the North West of Brook Meadow, Wissenden Lane, Bethersden, Ashford TN26 3AJ**

- 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 Sarah Stacey against the decision of Ashford Borough Council.
  - The application Ref is PA/2024/0236.
  - The development proposed is described as the erection of one detached dwelling and detached car barn with associated access, landscaping and biodiversity enhancements.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mrs Sarah Stacey against Ashford Borough Council and this is the subject of a separate Decision.

### Procedural Matters

3. The revised National Planning Policy Framework ("the Framework") was published in December 2024 after the appeal was submitted. In the interests of fairness both main parties have been given the opportunity to comment on the revised document and the responses have been considered in my decision.
4. I have determined the appeal on the basis of the Council's description of the development proposed, which I have used in the bullet header above, as it more accurately describes the development.

### Main Issue

5. The main issues are:
  - whether the proposed development would be in a suitable location for housing, having regard to the Council's spatial strategy and the provisions of the Framework; and
  - the effect of the proposed development upon the character and appearance of the area.

## Reasons

### *Suitable location*

6. The appeal site is a rectangular piece of open greenfield land (used for horse grazing) located to the north of Wissenden Lane. Wissenden Lane is a relatively narrow highway enclosed by tall trees and hedgerows. The existing grass verge is largely limited in width and in parts is overgrown.
7. Policies SP1 and SP2 of the Ashford Local Plan 2030 (2019) (“the ALP”) set the strategic approach to housing delivery with development in the rural areas being of a scale consistent with a settlement’s accessibility, infrastructure and availability of services. Windfall housing will be permitted where consistent with the spatial strategy and other policies in the plan.
8. The appeal site is located outside the settlement boundary of Bethersden. ALP Policy HOU5 allows residential development close to the existing built-up confines of various settlements, including Bethersden. This is subject to several criteria being satisfied. Criteria b) and d) of the policy relate to the site’s ease of access to basic day to day services and public transport.
9. The main parties agree that, for the purpose of Policy HOU5, the proposal is considered to be close to the built-up confines of Bethersden. However, despite the relatively close proximity in terms of distance to local services within Bethersden, the appeal site is considered isolated in that future occupants of the proposed dwelling would have to walk or cycle a considerable distance along a narrow rural lane, which does not benefit from a footway or cycleway and that could be subject to fast moving traffic. The existing grass verge is not considered to provide a safe and accessible route. This is unlikely to present an attractive or safe option for walking and cycling, especially for people with limited mobility or using pushchairs and outside of daylight hours, given the lane is unlit, or during inclement weather.
10. For these reasons, the services and facilities that future occupants are likely to visit frequently would not be readily accessible from the appeal site by walking, cycling or alternative sustainable modes of transport. Consequently, future occupiers of the proposed development would be heavily reliant upon private vehicles to meet their travel needs.
11. The appellant refers to the potential to provide for an alternative footway link connecting the appeal site to the adjacent site, closer to the settlement boundary. However, the proposed plans do not show how this would be achieved to ensure satisfactory arrangements, and I have determined the appeal based on the plans before me and upon which the Council determined the application.
12. My attention has been drawn to a development at an adjacent site, granted under application reference PA/2022/2679. It is apparent from the evidence presented that the appeal site is positioned further from the settlement boundary and future residents would have to travel a markedly further distance along the narrow lane described above. Given the unsuitability of the lane, the additional distance is considered significant in respect of attractiveness for users and their safety. The circumstances do not represent a direct parallel in terms of the relevant criteria of Policy HOU5.

13. For completeness, the proposed development 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.
14. As set out above, the appeal site would be isolated and not be a suitable location for housing when applying the spatial strategy in the Local Plan for the proposal, having regard to the accessibility of the site to services, facilities and employment opportunities. The proposal fails to accord with Policies SP1, SP2 and HOU5 of the Ashford Local Plan 2030 (2019). Amongst other matters, these policies seek to focus development at accessible and sustainable locations and minimise less sustainable forms of travel when accessing local services and facilities. For similar reasons the proposal would also fail to accord with the locational objectives for housing growth and sustainability objectives of the Framework.

#### *Character and appearance*

15. The appeal site is located within the Bethersden Mixed Farmlands landscape character area (LCA) an undulating landscape, which is dominated by a typical Wealden pattern of small pastoral fields, enclosed by a dense network of native hedgerows and punctuated by small field ponds, with 20<sup>th</sup> Century housing located in and around Bethersden.
16. The appeal site comprises of an open field, bound by hedgerows and mature trees. It is devoid of existing buildings and reflects the positive values of the LCA, being visually consistent with the rural, spacious, pastoral character and appearance of the area and contributing positively to it.
17. The appeal site has no visual or spatial connection to the existing built form and urban grain of Bethersden. Development in the area is limited and generally consists of a scattered pattern of rural buildings, mostly agricultural buildings, some commercial premises, and a few sporadic dwellings of individual appearances located closer to the settlement boundary.
18. The proposed development would be positioned in the western section of the site, relatively close to the Wissenden Lane frontage. It would introduce a significant amount of built form into this currently open field. The impression of scale, in the spatial sense, would be exacerbated by the relatively large footprint, the proposed dwelling being read as having two storeys with rooms in the roof space and the presence of ancillary buildings.
19. In the absence of any relationship with the existing built form or urban grain of Bethersden, to my mind, the proposed development would appear isolated, incongruous and blur the existing distinction between rural and urban character.
20. As such, the proposed development would represent an encroachment into the open countryside, resulting in a visually harmful urbanising effect that would erode the spaciousness and rural character and appearance of the site and surrounding area.
21. The proposed landscaping scheme, together with use of traditional materials would not fundamentally alter the scale, form and domestic aesthetic of the proposed development. Whilst it is acknowledged that wider views into the site are limited to some extent, as a result of existing tree and hedgerow screening, the proposed

built form would still be perceivable, especially where an extent of hedgerow is removed along Wissenden Lane to create the new site access.

22. In respect of the adjacent development, this site contained existing built form and when compared with the appeal site, is located in closer proximity to other existing built form and the wider urban grain of Bethersden. On the evidence presented I do not find a direct parallel to the appeal proposal. I have, in any event, determined the appeal based on its own planning merits.
23. For the reasons set out above, the appeal proposal would cause significant harm to the character and appearance of the area, with particular regard to its location in the open countryside. Therefore, it would be contrary to Policies SP6, HOU5, ENV3a and ENV5 of the Ashford Local Plan 2030 (2019) and the advice contained within the Landscape Character SPD (2011) insofar as they require development to demonstrate regard to existing features that contribute to local landscape character, including the pattern and distribution of settlements, and to be sympathetic to the landscape and consistent with local character and built form.

### **Other Matters**

24. I do not have the full details of the circumstances that led to the other examples, including appeal decisions, of similar developments put to me being accepted or accepted in part. Whilst I have been provided with the application references, one appeal decision and distances (in metres) to local services, the evidence does not include drawings or diagrams related to the planning permissions nor does it provide qualitative information on the characteristics of routes from these sites to local services for future occupiers. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the appeal proposal. I have, in any event, determined the appeal based on its own planning merits.
25. The Council's submissions state that they cannot demonstrate a five-year housing land supply. The appeal proposal 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**

26. The appeal site would not be in a suitable location for housing and would harmfully undermine the Council's spatial strategy for housing growth, in conflict with ALP Policies SP1, SP2 and HOU5, the requirements of which are set out above. In addition, the proposal would be harmful to the character and appearance of the area for the reasons set out above, in conflict with ALP Policies SP6, HOU5, ENV3a, ENV5 and the advice given in the landscape character SPD. The conflict identified is sufficient to bring the development into conflict with the development plan when read as a whole.
27. As the Council is currently unable to demonstrate a 5-year supply of housing land, Framework Paragraph 11d)ii, would apply and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. The appeal proposal would contribute to housing supply, aligning with the Framework's objective of significantly boosting the supply of homes. However, the proposal would be in conflict with the Framework's objectives to direct development

to sustainable locations, avoid isolated homes in the countryside, and manage growth to prioritise sustainable modes of transport. Consequently, this limits the weight given to the housing supply benefit of the proposal.

29. The proposal would also cause significant harm to the character and appearance of the countryside, contrary to the Framework's emphasis on developments being sympathetic to local character and landscape setting. I give this consideration significant weight.
30. Modest economic, social and environmental benefits would be delivered through construction and occupation of the development, as well as the potential delivery of a biodiversity enhancement, consistent with those objectives of the Framework. I attribute limited weight in favour of the appeal proposal.
31. In considering the conflict with development plan policies, I have had regard to their degree of consistency with the Framework. While the Council's policies for the supply of housing carry reduced weight due to the housing land supply shortfall, other development plan policies relating to the location of development and protection of the character and appearance of the countryside are consistent with national policy and I therefore I afford full weight to the conflict.
32. Taking all the above into account, the appeal proposal's adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
33. For the reasons given above, the proposed development conflicts with the development plan and there are no material considerations of sufficient weight to indicate that the development should be determined otherwise than in accordance with it. The appeal should therefore be dismissed.

*SJ DESAI*

INSPECTOR