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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: 01 May 2025

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**Appeal Ref: APP/E2205/W/24/3355142**

**The Grange Bungalow and land rear of, Appledore Road, Kenardington, Kent TN26 2LZ**

- 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 Mr Peter Hunt against the decision of Ashford Borough Council.
  - The application Ref is PA/2023/2023.
  - The development proposed is described as “demolition of 3 No. existing Chicken Sheds/ Barns, Partial Demolition of Bungalow and Erection of 6 No. Bungalows, with associated landscaping, hardstanding and parking”.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised on 12th December 2024. However, as the parties have had the opportunity to comment on the new document, 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.

### Main Issue

3. 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 proposal upon the character and appearance of the area; and
  - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to external amenity space.

### Reasons

#### *Suitable location*

4. Policies SP1 and SP2 of the Ashford Local Plan 2030 (2019) (“the ALP”) set the strategic approach to housing delivery with development in 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.

5. The appeal site comprises agricultural land and is unallocated. The first part of ALP Policy HOU5 allows residential development close to the existing built-up confines of various settlements, which are considered to have good levels of basic day to day services and are therefore capable of accommodating some additional housing development adjoining or close to these villages, subject to a number of criteria being met.
6. The appeal site is not located either within, or close to, a defined settlement. The nearest defined settlement for the purposes of Policy HOU5 is Hamstreet, located approximately 3km away, along routes without the benefit of footpaths or cycleways and that could be subject to fast moving traffic. This is unlikely to present a realistic, attractive, option for walking and cycling.
7. 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. The first part of Policy HOU5 is not satisfied.
8. The proposed development would not meet any of the other exceptions in the second part of Policy HOU5 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 demonstrated to be of an exceptional design and has not been referred to the Ashford Design Panel; nor is it a replacement dwelling.
9. The appellant contends that the proposal is in accordance with ALP Policy HOU3a. However, the appeal site is not located within a defined settlement for the purpose of this policy, being located outside of the confines of Kenardington. In any case, the appeal proposal would not represent 'infilling' which is defined within supporting paragraph 6.52 of the Policy as *'the completion of an otherwise substantially built-up frontage by the filling of a narrow gap, usually capable of taking one or two dwellings only'*.
10. For the reasons set out above, the appeal site would be isolated and not be a suitable location for housing when applying the spatial strategy in the ALP, 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*

11. The appeal site and surrounding area has a rural character and reflects a number of the positive values of the Old Romney Shorelines landscape character area, with undulating landscape and views across farmland. The appeal site, bound by open countryside to the east and south, comprises of one dwelling and a series of agricultural buildings.

12. Whilst the existing agricultural buildings are not considered to be of architectural merit they would be viewed as recognisable rural features and would not appear as incongruous. These buildings are visually contained to a reasonable extent by existing tree screening but are readily visible from public footpaths to the east and south.
13. The proposed development would involve the demolition of the existing agricultural buildings and the erection of six detached bungalows, set back from the road, arranged around a central courtyard space. The proposed single storey dwellings would be confined to land covered by the existing agricultural buildings and would not be materially taller or have a greater combined massing.
14. Nonetheless, the proposed development would have an overtly domestic appearance, consisting of residential bungalows spread across the land and presenting a harder, intrusive edge to the adjacent countryside. Domestic paraphernalia could be expected to accumulate within the central space, driveways and within gardens and there is likely to be a need for boundary treatments that would reinforce the domesticated residential character and appearance of the proposed development.
15. Although there are residential buildings in the area, including within the appeal site, these are few in number and are generally set in a linear pattern facing a highway. In contrast, the proposed development would comprise a comparatively denser group of dwellings of similar scales, forms and designs. They would create a residential enclave of bungalows of a suburban aesthetic that would contrast jarringly with the rural character of the appeal site and surrounding area.
16. The proposed landscaping scheme, together with use of traditional materials would not fundamentally alter the domestic aesthetic of the proposed development or its incongruous nature. As such, the proposed development would result in a visually harmful urbanising effect that would erode and harm the rural character and appearance of the site and surrounding area.
17. Whilst it is acknowledged that wider views into the site are limited, as a result of the existing tree and hedgerow screening, the proposed built form would still be perceivable, especially from the nearby public footpaths. It is also noted that the existing tree screening is located outside of the appeal site and could be removed in the future, further revealing the proposed intrusive built form in views from Church Lane and Appledore Road.
18. For the reasons set out above, the proposed development would cause significant harm to the character and appearance of the area. It would be contrary to Policies SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 (2019) 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.

#### *External amenity space*

19. ALP Policy HOU15 requires new dwellings to be provided with an area of private open space. For houses, as a starting point, the private garden area should be calculated as the width of the dwelling (m) x 10m. The *Residential Space and Layout SPD* (2011) confirms that this standard can be flexible providing it can be

adequately demonstrated that alternative solutions provide a sufficient area of private outdoor space.

20. Each dwelling would be provided with a private garden of varying size and future residents would also have access to an area of communal open space within the appeal site. The appellant's submission contends that the smallest of the proposed gardens has an area of 155sqm. Whilst this figure is not challenged in the Council's submission, it is not clear how the figure has been calculated. Notwithstanding, it is considered that the provision of private and communal amenity space is of a good quality and a reasonable quantum to serve future residents.
21. I note the Council's comments on potential overshadowing of a number of the proposed private gardens. However, on balance I find that the gardens have useable layouts and would be sufficiently private and the communal space is of a reasonable scale, would benefit from natural surveillance and is easily and safely accessible from the proposed dwellings.
22. For the reasons set out above, I find no conflict with Ashford Local Plan 2030 (2019) Policy HOU15 and the *Residential Space and Layout SPD* (2011), which seek to ensure, amongst other matters, that both children and adults have access to some private or at least, semi-private external amenity. Notwithstanding, compliance with such standards would be a neutral matter in the balance and does not weigh in favour of the appeal scheme.

### **Other Matters**

23. The Council's submission states that it cannot demonstrate a five-year housing land supply. 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.
24. The appellant's submission contends that a benefit of the appeal proposal, welcomed by the Parish Council, is the removal of the existing agricultural buildings and the resultant reduction in both traffic flows and odour. Given the limited evidence provided to quantify such benefits I give this limited weight in favour of the development.
25. The Council's submission makes reference to the appellant offering a financial contribution to the Parish Council in order to help the maintenance and refurbishment of the village hall. I have no mechanism before me to secure such an obligation. In any case, I am not satisfied that such an obligation is necessary to make the development acceptable in planning terms or directly related to the development, failing the tests set out in Paragraph 57 of the Framework and the CIL regulations. I therefore give this no weight.

### **Planning Balance 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. 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 11.d)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's contribution to boosting housing supply would be valuable and align with the Framework's objective of significantly boosting the supply of homes. However, the Framework also gives substantial weight to the value of using suitable brownfield land within settlements for housing, rather than agricultural land, as is the case with this proposal. Consequently, this limits the weight given to the housing supply benefit of the proposal.
29. The appeal proposal would, by providing single storey dwellings, add to the variety of housing in the area in line with a criteria of ALP Policy SP6 and given that this is a relatively small site it could be brought forward relatively quickly. I give these factors modest weight in favour of the appeal proposal. However, it would do so in conflict with the Framework's locational objectives for housing growth, which seek to avoid isolated homes in the countryside and promote sustainable development in rural areas, a consideration I give significant weight to.
30. I attach modest weight to the limited economic, social and environmental benefits that 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.
31. 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.
32. 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.
33. Taking all the above into account, the appeal proposal's adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.
34. For the reasons given above, the 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