



Appeal Decision

Site visit made on 20 May 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th June 2025

Appeal Ref: APP/E2205/W/24/3353572

Mill Cottage, Ashford Road, Kingsnorth, Kent TN23 3EW

- 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 Terry Tee against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0594.
 - The development proposed is the erection of 2-bedroom dwelling, bin storage, and associated hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and the surrounding area and the significance of the non-designated heritage assets, 1 and 2 Mill Cottages;
 - highway safety; and
 - the setting of the nearby, grade II listed buildings Mill House and Shipley Hatch.

Reasons

Character and Appearance

4. The appeal site is occupied by a two-storey semi-detached dwelling with a number of small outbuildings to the rear. It is located within a semi-rural setting with a loose form of ribbon development along the eastern side of Ashford Road and open land to the rear. The dwelling mirrors that of its attached neighbouring, 2 Mill Cottage, with white rendered external walls, clay roof tiles, a porch to the front and similar single storey extensions to the side. The two dwellings are modest in scale

and are set on generous sized plots with ample space to the side, providing views to the open farm land to the rear, which is not impeded by any existing single storey outbuildings on the site. For these reasons the host dwelling and its attached neighbour make a positive contribution to the character and appearance of the site and the surrounding area.

5. The proposed dwelling would be located adjacent to 1 Mill Cottage with a design that attempts to replicate its host, with the same materials, eaves and ridge height, front porch, style and fenestration. However, it would be a single detached property with a greater massing than its host and a greater width a first floor level. The plans submitted also show that whilst the eaves and ridge height may match its host, it is positioned on a slightly higher ground level, thereby appearing slightly greater in height.
6. The Council indicate that the proposed dwelling would be located approximately 1.7 metres from the side elevation of the host dwelling. Its positioning, in such close proximity to its host and neighbour, would result in the loss of the spacious surrounds that 1 Mill Cottage currently benefits from, to the detriment of the character and appearance of the site and the surrounding area. Its close proximity would also unbalance the current symmetry between the host dwelling and its attached neighbour.
7. Whilst the appellant considers that the proposal is proportionate to the wider landscape, the significant scale of the proposed dwelling against the modest size of the two cottages would also add to the cramped and incongruous nature of the proposed development. The presence of an additional large, two-storey, detached dwelling on the appeal site, infilling the existing open space, along with the provision of additional hardstanding to the front, would also harm the existing semi-rural nature of the site and its impact on and contribution to the character and appearance of the surrounding area.
8. The host dwelling on the appeal site, 1 Mill Cottage, and its attached neighbouring property, 2 Mill Cottage, are non-designated heritage assets (NDHAs) which sit between two listed buildings and form a small group of historic buildings. Their significance appears to be derived from their historic nature and positioning on large plots with relatively generous spacing and open farm land to the rear. Paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account in determining the application. For the reasons given above, the proposed development would also result in harm to 1 and 2 Mill Cottages and therefore the significance of these NDHAs.
9. Therefore, in conclusion, the proposed development would result in harm to the character and appearance of the site and the surrounding area including the significance of the non-designated heritage assets, 1 and 2 Mill Cottages. It would therefore conflict with Policies SP1, SP6, HOU5, HOU10 and ENV3a of the Ashford Local Plan 2030 (the LP) 2019. These policies collectively seek to ensure that development is of a high quality design which promotes a positive sense of place through the relationship of buildings with each other and the spaces around them, sits sympathetically within the wider landscape, does not result in significant harm to the character of the area including the landscape character. These policies also seek to conserve and enhance non-designated heritage assets and the relationship between them and their settings.

Highway Safety

10. The highways authority have objected to the application, as they consider that the visibility available over land within the applicants and/or the highways authority's control is insufficient for the development proposed, to the detriment of highway safety. They indicate that visibility splays of 2.4 metres by 103 metres are required in both directions out of the access but these cannot be provided in a northerly direction due to the bend in the road and the splay going over third party land.
11. The appellant indicates that visibility splays in a northerly direction would be 85 metres, 2.4 metres back from the highway and 103 metres, 1.2 metres back from the highway and that the required visibility cannot be provided due to the bend in the road.
12. The road adjacent to the appeal site, Ashford Road, has a maximum speed limit of 40mph and I noted during my site visit that it was a relatively busy thoroughfare with traffic moving at high speeds. Whilst the appellant considers the proposed development would not generate a significant level of additional traffic movements, this has not been quantified. Furthermore, the existing access would serve an additional dwelling, in addition to 1 Mill Cottage, resulting in the intensification of its use by potentially doubling vehicle movements to and from the site.
13. It is noted that the proposal includes the widening of the existing access which the appellant considers would be an improvement by providing onsite vehicle turning and moving the access further away from the slight bend in the road to the north of the appeal site. However, from the plans provided, the access would only be widened and not moved away from the northern boundary and the proposed area for vehicle turning appears to make use of the adjacent pavement, which is likely to be dangerous to pedestrians and not a practical solution. Therefore, these changes would be unlikely to improve visibility when exiting the site. Furthermore, whilst the hedge on the northern boundary has been cut back, this would still not achieve or maintain the necessary visibility splays required on this busy and fast moving road.
14. Therefore, due to the road conditions outlined above, the poor visibility from the existing access, which does not meet the necessary standards required by the highways authority, and the intensification in the use of the access from the proposed development, it is likely that the proposal would result in harm to highway safety, in that the additional use of the access would be dangerous to those exiting the site and other road users. Whilst the appellant states that there are no recorded crashes at the junction, there is no evidence to support this assertion and, in any regard, this does not mean that future crashes would not occur with an intensified use.
15. Two other sites have been brought to my attention where the appellant considers the accesses onto the road have similar or worse visibility than the appeal site. These include the public car park serving the Bloss Coffee Roastery and 1 and 2 Chapel House, both to the north of the appeal site. Nevertheless, although this may be the case, this does not negate the harm to highway safety from the proposed development which I have identified.
16. Consequently, as the proposed development would likely result in harm to highway safety, it would conflict with Policies TRA7 and HOU5 of the LP. These policies seek to ensure that development is able to be safely access from the local road

network with the intensified use of existing access onto the road network not being permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result.

Designated Heritage Assets

17. The proposed development would be in close proximity to the grade II listed building, Mill House, to the north of the appeal site and the grade II listed building, Shipley Hatch, to the south of the appeal site, which are designated heritage assets. From my observations on site and from the information provided as part of this appeal, it would appear that the significance of these two listed buildings is derived, at least in part, from the antiquity of their structures and from their status as well preserved examples of vernacular buildings of their age and type. Their semi-rural location in this cluster of residential dwellings along Ashford Road, with views of open farmland to the rear, contributes to how these assets are appreciated and this setting makes a positive contribution to the significance of these listed buildings.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
19. Whilst the proposed development would be directly adjacent to the grade II listed building, Mill House, it would be well screened by a fence and existing foliage between the two sites, largely preventing any intervisibility between the two. Similarly, Shipley Hatch is located some distance to the south of the appeal site and any views between the two are largely blocked by 1 and 2 Mill Cottages. The presence of the proposed dwelling would increase the level of built form in the area and reduce the gap between buildings in this location. However, it would not block any views from the listed buildings to the open farmland to the rear. Therefore, the proposed development would have a neutral impact on both of these listed buildings.
20. As such, the proposed development would not harm the setting of the nearby grade II listed buildings, Mill House and Shipley Hatch and would not conflict with Policy ENV13 of the LP which seeks to preserve the heritage assets of the Borough.

Planning Balance

21. The Council have confirmed that they cannot achieve a five year supply of deliverable housing, although the exact shortfall in this regard is unknown. As such, due to the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
22. In the context of the development, I have found that the proposal would be contrary to policies SP1, SP6, HOU5, HOU10, ENV3a and TRA7 of the LP, resulting in harm to the character and appearance of the appeal site, surrounding area and the adjacent non-designated heritage assets and harm to highway safety. The Framework supports the creation of high quality buildings and places which are sympathetic to local character, including the surrounding built environment and landscape setting. It also states that development should only be

prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Therefore, as these policies are generally consistent with the relevant aims of the Framework, I attach substantial weight to the conflict with them.

23. The development would add to the overall housing land supply and make a contribution to the Government's objectives of significantly boosting the supply of homes, with the addition of a single dwelling in what the appellant considers is an accessible, sustainable location and a brownfield opportunity. The proposal would also include various energy saving features such as an air source heat pump and electric vehicle charging points. However, given the scale of the scheme for only one dwelling, any such benefits would be relatively small.
24. Therefore, even if there is a significant shortfall in the five year housing land supply, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing, individually or in combination. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

Other Matters

25. The Council have outlined that the appeal site lies within the catchment area of the Stodmarsh Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. They state that the proposal has failed to demonstrate that wastewater from the proposed dwelling would not add to the current problems of increasing nitrogen and phosphorus levels within these European Sites. Although the appellant contends that the increase is so small as to be immeasurable at the outfall of the waste water treatment works, even allowing for the cumulative effect of this and other small developments within the catchment.
26. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

27. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR