



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/24/3354380

Willow Tree House Annexe, Bromley Green Road, Ruckinge, Kent TN26 2EQ

- 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 Mrs Maureen Coleman against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0276.
 - The development proposed is the creation of a permanent dwelling.
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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:
 - whether the proposed development would be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities;
 - the effect of the proposed development on highway safety; and
 - the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

Location

4. The appeal site is occupied by a main dwelling, fronting Bromley Green Road, with an annexe building located to the rear of a long garden and a commercial outbuilding with customer parking in between. The site is outside of any defined settlement boundary and within the countryside. The annexe building, subject of this appeal, is a single storey timber cabin style building with two bedrooms and associated living facilities. It is separated from the host dwelling and the

commercial outbuilding by fencing and has its own large garden area and parking provision, with shared access from Bromley Green Road to the side of the host dwelling.

5. Policy HOU5 of the Ashford Local Plan 2030 (the LP) 2019 states that proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable subject to a list of criteria. The appeal site is not located adjoining or close to any of the settlements listed within the policy and therefore the criteria (a-f) within this policy is not relevant. The policy goes on to state that residential development elsewhere in the countryside will only be permitted if the proposal was to fall under one of a list of exceptions. The proposal would not fall under any of these exceptions and no case to suggest they would have been made by the appellant. Therefore, the proposed development would not comply with this policy.
6. Policy SP1 of the LP seeks to ensure that development is focused on accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and promote access to a wide choice of easy to use forms of sustainable transport modes including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles.
7. This is not an isolated site, as it is located in close proximity to several other dwellings. Therefore, paragraph 84 of the Framework is not applicable. However, paragraph 83 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby.
8. There are limited facilities in the area surrounding the appeal site, with the majority of the nearest facilities and services to the appeal site located within the settlements of Hamstreet and Shadoxhurst, including a primary school, post office, convenience store, public house and doctors surgery. However, these are some distance from the appeal site and, due to limited pavement, footpaths and streetlighting, would be difficult to access safely by foot. The surrounding roads are also narrow country lanes with no evidence of any dedicated cycle lanes, thereby making cycling an unattractive option for day to day family needs. Furthermore, I have no evidence before me of any suitable public transport options within close proximity to the appeal site. As such, the future occupiers of the proposed dwelling would largely be reliant on the use of a private vehicle to access the necessary services and facilities, contrary to the objectives of Policy SP1 outlined above.
9. Whilst paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users. Furthermore, due to the scale of the development, the benefit to services within villages nearby would be limited. Therefore, the proposed development would be given limited weight in relation to paragraph 83 of the Framework.
10. In conclusion, the necessary services and facilities which would be required by the future occupiers of the proposed dwelling would not be readily accessible and a single dwelling would not provide significant support for local services nearby.

There are extremely limited sustainable transport options and therefore the future occupiers would largely be reliant on the use of a car to serve their day to day needs on a regular basis. Consequently, the proposed dwelling would not be located within a socially or environmentally sustainable location and would not be in an appropriate location for new housing.

11. Therefore, for the reasons above, the proposed development would not be in a suitable location for new housing with regard to the local development strategy and accessibility to services and facilities. It would therefore conflict with Policies HOU5 and SP1 of the LP as outlined above.
12. Whilst the appellant contends that the policies in the development plan cannot be given weight due to the Council's lack of a five year housing land supply and that Policy HOU5 does not apply, I must still conclude against the policies within the development plan and will go on to consider the impact of housing land supply later in this decision.

Highway Safety

13. The submitted plans do not appear to show any allocated parking spaces. However, during my site visit I noted that there is space to park at least two vehicles adjacent to the annexe, in accordance with Policy TRA3(a) of the LP. Furthermore, any formal parking provision could be secured by condition.
14. The proposed separate dwelling would share the access from the road with the host dwelling, Willow Tree House, and the narrow driveway to the side of the dwelling with the commercial business to the rear. However, there is a small driveway to the side of the commercial outbuilding providing private access to the appeal building. The appellant contends that the proposed use would have similar levels of traffic to the current use, as an annexe, and that there is no evidence to suggest there is an existing highways safety issue.
15. However, no evidence has been provided to demonstrate that the proposal would not result in the intensified use of the existing access onto the road. As it would be occupied independently, it would seem likely that a separate dwelling would generate more traffic movements than an ancillary annexe, resulting in potential congestion on the road. There would also be conflict with the future occupiers of the dwelling and customers of the commercial business using the narrow access to the side of the host dwelling, resulting in vehicles having to reverse back into the site or onto the road.
16. Therefore, without the evidence to suggest otherwise, the proposal would likely result in harm to highway safety and would conflict with Policy TRA7 of the LP. This policy seeks to ensure that applicants demonstrate that traffic movements to and from the development can be accommodated, resolved or mitigated to avoid severe cumulative residual impacts.
17. The Council contends that the proposal would also conflict with Policy HOU5 (c) of the LP. However, as detailed previously, as the proposal would not comply with the first part of the policy, the criteria (a-f) would not be relevant.

Character and Appearance

18. The Council contend that annexes within rear gardens are not uncommon, however the presence of an independent dwelling with its own facilities and

domestic paraphernalia, along with the backland location of the building, would create an incongruous form of development which is not in keeping with the surrounding character and built pattern of development.

19. I agree that residential development in this area generally fronts Bromley Green Road in a linear fashion and that an independent dwelling on this backland location would be uncharacteristic. However, the building already exists, with no changes proposed, and due to its separation from the host dwelling, does not currently appear as an ancillary annexe. It already has a vast array of its own facilities and domestic paraphernalia, including a driveway, parking provision, garden furniture and fencing separating it from the rest of the site.
20. It is noted that there may be further pressures to build more outbuildings for the new separate dwelling. However, if necessary, this could be controlled by condition. Therefore, as the visual appearance of the building and the site in which it is located would not be significantly different from its present use as an annexe, I am not convinced that it would have a detrimental impact on the character and appearance of the area.
21. As such, the proposed development would not harm the character and appearance of the site or the surrounding area and would not conflict with the relevant sections of Policies SP6, ENV3a and HOU10 of the LP. Amongst other things, these policies seek to ensure that development is of high quality design, demonstrates particular regard to landscape characteristics and does not result in significant harm to the character of the area. For the reasons explained previously, the criteria within Policy HOU5 of the LP is not relevant.

Planning Balance

22. The Council have confirmed that they cannot achieve a five year supply of deliverable housing. In their appeal statement they indicate that the Council can currently demonstrate a 4.39 year supply of land for housing, a moderate shortfall. As such, due to the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied.
23. In the context of the development, I have found that the proposal would be contrary to sections of Policies HOU5, SP1 and TRA7 of the LP, resulting in harm to highway safety and development which is not in a suitable location for new housing. The Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and supports sustainable housing development in rural areas where it will enhance or maintain the vitality of rural communities whilst identifying and pursuing opportunities to promote walking, cycling and public transport. Therefore, as this policy is generally consistent with the relevant aims of the Framework, I attach substantial weight to the conflict with them.
24. 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 by reusing an existing building in what the appellant considers is previously developed land, without the need to release land on a greenfield site. However, given the scale of the scheme for only one dwelling, any such benefits would be relatively small.

25. Therefore, even with a moderate 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

26. The appeal site is located within the River Stour catchment area and, due to the type of development, has the potential to impact upon the integrity of the Stodmarsh Lakes Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The Council indicate that nutrient calculations provided show that the scheme will have a nutrient impact/increase on the protected lakes, which they consider is unacceptable without appropriate mitigation being agreed. The appellant does not contend this, but states that this could be dealt with by condition.
27. 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

28. Although the proposed development would not harm the character and appearance of the area, it would not be within a suitable location for new housing with regard to the local development strategy and access to services and facilities and would be likely to result in harm to highway safety.
29. 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