
Appeal Decision

Site visit made on 29 May 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2025

Appeal Ref: APP/X2220/W/24/3358153

Land east of Kestrels Fen and south of Ash Road, Sandwich, Kent CT3 2BZ

- 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 Ben Manterfield of Euroforest Ltd against the decision of Dover District Council.
 - The application Ref is 24/00515.
 - The development proposed is the change of use of land for open timber storage, erection of 2 storage containers, 1 office unit, hardstanding and erection of stock fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner above is taken from the application form. The same description is used on the decision notice and appeal form. The proposed plans reflect the description of development. Although the appellant's statement indicates that other materials could be stored on the land, I have dealt with the appeal based on the description and the plans before me.
3. The reason for refusal refers to policies in the Draft Dover District Local Plan 2024. The Council has confirmed that it adopted the Dover District Local Plan to 2040 (LP) in October 2024. The parties have had the opportunity to address this, and I have determined the appeal based on the adopted policies in the LP.

Main Issues

4. The main issues in this appeal are:
 - whether the site would be a suitable location for the proposed use, having regard to the provisions of the development plan; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitability of the location

5. The appeal site lies to the south of the A257 Ash Bypass within the countryside. It does not adjoin the settlement confines of any settlements designated in the LP. Policy SP6 of the LP indicates that the Council will support economic growth. It seeks to deliver new employment floorspace in various ways, including promoting rural employment opportunities in accordance with Policy E1.

6. The circumstances in which new employment development will be supported in the countryside are outlined in LP Policy E1. The appeal site is not within or adjoining an existing rural site or premises and is not an allocated employment site. There are some containers and vehicles on the land but there is no planning permission for such uses. As the site was historically used for landfill and the National Planning Policy Framework 2024 (the Framework) excludes these from the definition of previously developed land, the proposal would not bring previously developed land back into use.
7. Policy E1 also allows new employment development in the countryside where it is for the development and diversification of agricultural and other land-based rural businesses. The proposal is for a timber storage facility which would be used to power the Kent Renewable Energy Plant at Discovery Park.
8. None of the products that would be stored on the land are known to be produced locally, farmed or related to a farming process on or near the site. Further, the proposed storage use would not be ancillary or functional to a wider farming use or nearby existing use or development and would not require a countryside location. As such, the proposal would not be for a land-based rural business. Therefore, it would not provide the type of new employment development allowed by Policy E1, and the policies for rural businesses in the Framework do not apply.
9. Consequently, I conclude that the site would be an unsuitable location for the proposed use, having regard to the provisions of the development plan. This would conflict with Policies SP6 and E1 of the LP.

Character and appearance

10. The appeal site lies within an area of large arable fields, and consists of open, largely unkempt and overgrown land, with areas of hardsurfacing and a gated vehicular access onto the A257. Rows of maturing Lombardy Poplar trees are planted along the northern and part of the eastern boundaries which along with hedgerows on the road verge provide some screening of the site from the road. Beyond a field, there are residential properties to the west at Each End with a public right of way running south from which the site is visible.
11. The site lies on the edge of the Ash Levels area in the Dover District Landscape Character Assessment. This is a distinctive large scale, flat and low-lying area of arable and pasture grazing which retains marshland qualities. The Landscape and Visual Impact Assessment (LVIA) indicates that the land south of the Ash Bypass is different to the marshland character of the wider Ash Levels character area. It outlines that this land is characterised by large agricultural fields, gently rolling landscape, long views and woodland interspersed between the fields, amongst other things. From my observations on site, I agree.
12. The proposal would include a more formalised entrance, increased areas of hardsurfacing, an internal fenced compound including containers, open log storage upto 4m high and boundary planting.
13. The site is not subject to any landscape or heritage protections and the LVIA concludes that the proposal would have a minor effect on the landscape and an insignificant impact on visual amenity. However, whilst it is not unexpected to find log storage due to deforestation or woodland husbandry in the countryside, the significant height and extent of the proposed log storage area would be

substantially at odds with the largely agricultural character of the local landscape. Further, the wider, macadam surfaced entrance, larger areas of hardstanding, parked cars, introduction of an office/storage compound and use of the site by heavy goods vehicles would result in significant urbanisation of the countryside.

14. The proposed planting strip and existing roadside landscaping would provide some screening of the development, but this could be removed, become damaged or diseased and may only provide screening in the spring and summer months. Irrespective of this, due to the height of the proposed log storage areas and the lie of the land, the scheme would be visible from properties and the public right of way to the west, appearing intrusive in the landscape. The more formalised access would also be evident when travelling along the A257 and there would be views of other parts of the scheme through the entrance and gaps in the trees.
15. Natural England and the Council's Natural Environment Officer do not object to the proposal, and Woodnesborough Parish Council does not object on grounds of landscape impact. However, this does not alter my findings in respect of landscape character.
16. Therefore, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policy NE2 of the LP where it requires proposals to demonstrate particular regard to the Landscape Character Area in which they are located, including in relation to landform and topography.
17. Policy SP13 of the LP relates to the protection of designated environmental sites and biodiversity assets. There is no evidence that the proposal would affect such sites and assets and therefore I find no specific conflict with Policy SP13 when reaching my conclusion.

Other Matters

18. The Council did not find harm or development plan conflict in relation to several other matters, including flood risk, biodiversity net gain, highways, living conditions, and impacts on trees. Nevertheless, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Conclusion

19. For the above reasons, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR