



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2025

Appeal Ref: APP/E2205/W/25/3361928

Melville, Bethersden Road, Smarden, TN27 8QU

- 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 and Mrs Purdy against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/2185.
 - The development proposed is the erection of one self-build detached dwelling following demolition of garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) whether the site is a suitable location for a new dwelling; and ii) the effect of the proposal on the character and appearance of the site and the surrounding countryside.

Reasons

3. The appeal site 'Melville' is located within a rural area to the south of Smarden village on the eastern side of Bethersden Road. The site is currently part of the garden area on which is sited a large detached garage. This part of Bethersden Road has sporadic development on both sides, but from the junction with the road signed to Pluckley, where there is a small loose cluster of what appear to be long established dwellings, as far as the appeal site, there is a ribbon of development. This ribbon has been reinforced recently by planning permissions for 4 houses, 2 next to Melville and 2 between Buffalo Cottages and Primrose Cottage, at the junction just mentioned.
4. This area is located in the Low Weald Haffenden Quarter Farmlands Landscape Character Area. The key characteristics of the landscape are flat to gently undulating landform, mixed land use, varied field pattern, hedgerow enclosed pasture with oak hedgerow trees, traditional timber framed buildings and converted farm Buildings.

Whether the site is a suitable location for a new dwelling

5. As paragraph 2 of the National Planning Policy Framework (NPPF) states, "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise". The policies which are most important for determining the current

application are Policies HOU5 and ENV3a of the Ashford Local Plan 2030, adopted in February 2019. Policy HOU5 applies to windfall housing sites outside the built settlement confines. It is a broadly permissive of minor residential development which adjoins or is close to the existing built-up confines of settlements, including Smarden, so long as a number of criteria are met. These criteria seek to ensure development outside the built confines is in a sustainable location with no significant ecological or landscape impacts.

6. The site is about 1km from the village confines of Smarden. It is 1.1km from the nearest church, 1.5km from the village primary school and 1.2km from the Chequers Inn. The nearest shops and bus stops are also within the village confines although there are school bus stops close to the junction of Bethersden Road and Cage Lane around 0.7km to the north. Pedestrians could only access these services and facilities along a route which includes a stretch of Bethersden Road around 600m in length which lacks any footway, whilst none of the route to the village is lit. I consider that these distances, and the nature of the roads, means that the occupiers of the proposed dwelling would most likely use private motor vehicles for their every day needs such as shopping, employment, health services and many leisure activities.
7. The second part of Policy HOU5 lists exceptions that can be acceptable in the countryside. These include accommodation for an essential rural worker; this and the other 3 exceptions are not applicable in this case. As a result of these considerations, I do not consider that the appeal proposal complies with Policy HOU5, or HOU10 – Development of Rural Gardens, on the basis of the second issue, which I deal with below.
8. I now turn to the examples provided by the appellant of planning permissions in the vicinity of the site. The first of these at the former dwelling 'Peniel', next to the appeal site, involved the demolition of the existing dwelling, garage and storage buildings. It is within the run of the existing ribbon of development that ends with the appeal site. The second site, between Primrose Cottage and Buffalo Cottages, although apparently 'greenfield', was again in the same ribbon of development, albeit that it substantially infilled what could have been regarded as a significant gap. The third site, 'land south of Regency Cottage', is some distance away and close to Smarden, but on a vacant greenfield site. It again appears to have had existing development between it and the open countryside.
9. I have not been provided with the officers' reports for these sites, which could have thrown light on the individual reasoning. However, it appears to me that there are significant differences between these sites and the appeal site, and each case must be considered on its individual merits. From the bare information provided, I cannot see that these permissions justify the claim that they demonstrate that the council accepted that the locations are sustainable. Overall, I do not regard these examples as being persuasive of the case for the appeal proposal.

The effect of the proposal on the character and appearance of the site and the surrounding countryside

10. Unlike the examples reviewed above, the appeal site is at the end of a short ribbon of development in open countryside. The existing detached garage is clearly part of the existing residential development, and it appears as an end stop at the end of the run of dwellings. Beyond this point, and opposite, is open agricultural

countryside that is typical of the Low Weald Haffenden Quarter Farmlands Landscape Character Area. The proposed dwelling would be substantially larger in scale than Melville, the existing chalet bungalow, being a full 2-storey house. Quite clearly it would have a significantly greater impact on the site and its surroundings. As such it would be an urban form intruding beyond the existing development, to the detriment of the character and appearance of the site and the surrounding countryside.

Other matters

11. I note that the Council is currently unable to demonstrate a 5-year housing supply (4.39 years as at April 2024 - the most recently published figure), but the Council have not 'failed' the Housing Delivery Test (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years). Nevertheless, the lack of a 5-year supply of housing land brings the need to consider paragraph 11 of the NPPF, where 11 d) requires the granting of permission unless - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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 homes, individually or in combination.
12. This means that the housing policies are out of date, but the main policies for determining the application are broadly consistent with the NPPF and can be afforded significant weight, but less than full weight. Paragraph 232 (Annex 1: Implementation) of the Framework makes the point that due weight should be given to policies within existing plans according to their degree of consistency with the Framework. In any event, a single additional house would make a minimal contribution to the housing land supply.

Conclusion

13. I take the view that the policies of ALP, that was adopted in February 2019 have a high consistency with the NPPF. Being adopted in 2019, at the time of publication of the 2019 version of the NPPF¹, ALP would probably have been examined and found sound under first 2012 version. Whilst the current, 2024 version and the other iterations of the NPPF made some significant changes, taken as a whole, particularly in respect of the policies most important in determining this appeal, the overall thrust the 2012 version was consistent with the current version.
14. For the reasons that I have set out in paragraph 6 above, the site is a not a suitable location for a new dwelling because it is not a sustainable location. Furthermore, as set out in paragraph 10 above, I find that the proposed new house would be detrimental to the character and appearance of the site and the surrounding countryside.
15. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR

¹ The short lived July 2018 version was also probably too late for this examination.