



Appeal Decision

Site visit made on 14 July 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2025

Appeal Ref: APP/E2205/W/25/3361167

Land to rear of 51-57 Appledore Road, Tenterden, Kent TN30 7BD

- 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 S Burgess against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0648.
 - The development proposed is the proposed re-development of the site consisting of 2no. 5 bedroom dwellings and alterations to existing track and access from Appledore Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety, with particular regard to access arrangements; and
 - ecology.

Reasons

Character and appearance

3. The appeal site comprises an area of woodland behind houses fronting Appledore Road and a track between two existing residential properties. Although there has been some limited backland development in the locality, Appledore Road is largely characterised by a linear pattern of dwellings facing the street. The woodland is protected by a Tree Preservation Order (TPO). These trees provide a sylvan backdrop to houses along this part of the road which positively contributes to the character of the area and justify their protection via the TPO.
4. The proposed dwellings would be located to the rear of residential properties at 51-57 Appledore Road. Their position behind existing houses would fail to reflect the existing grain of development, significantly at odds with the prevailing pattern of houses fronting the road.
5. The new houses would have a similar height to those facing the street. However, because of the sizeable two storey front projections, the buildings would be much larger than the neighbouring semi-detached properties. The size and mass of the proposed structures, together with the considerable areas of hardstanding in front would introduce substantial built development. The new buildings would be evident

through the large gaps between the houses at 49 and 51, and 53 and 55 Appledore Road, harmfully eroding the undeveloped backdrop.

6. In addition, plot 2 would be larger than plot 1, with the house and hardstanding for the latter occupying a large proportion of the plot resulting in a much shorter rear garden than the houses facing the road. For this reason, development on plot 1 would appear cramped and overdeveloped in its surroundings.
7. The Arboricultural Report (AR) indicates that the semi-mature mixed broadleaved woodland on the site is an individually unexceptional area primarily of willow and young standard oak. It is proposed to retain a contiguous belt of trees and shrubs along the north and east boundaries, with the remaining woodland removed to accommodate the proposed scheme. The AR finds that the retained trees have the greatest public amenity and considers the proposed removals to be acceptable in the context of the current proposal.
8. The belts of retained trees would provide some screening of the development in views from the north and east. Although a line of trees along the southern boundary is indicated on the plans for retention, the AR does not include protection measures for these specimens. Due to the relatively narrow width of this buffer adjacent to the proposed driveway, it would be inadequate to screen the development. Whilst the AR assesses the woodland as being low quality, the loss of such an extensive area of protected trees with limited opportunity for screen landscaping along the southern boundary would adversely affect the verdant backdrop to development along the road provided by the trees.
9. A proposal for a large residential development on a site nearby was allowed on appeal¹, and there has been a subsequent reserved matters application. It is indicated that this lies to the north and east of the appeal site, resulting in the site being surrounded by residential development and obscuring views of the existing woodland from a nearby public right of way (PROW). However, there is no substantive evidence indicating the effects of the neighbouring proposal on views of the existing or retained trees from the PROW.
10. Therefore, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies SP1, SP6, ENV3a and ENV5 of the Ashford Local Plan 2030 (LP). Together, these require developments to respond to the prevailing character of the area and have regard to the pattern and composition of trees and woodlands, amongst other things.

Highway safety

11. The appeal site is accessed from Appledore Road via a lengthy track which also provides a rear vehicular access to 47 Appledore Road (No 47). There are hornbeam trees on either side of the track entrance which are not protected via the TPO. A 40mph speed limit applies along this section of the road, alongside which is a verge and footway.
12. The Highway Authority indicates a requirement for visibility splays of 2.4m by 103m due to the speed limit along the road. It also outlines the need for vehicle tracking for an 11.4m long refuse vehicle showing that such vehicles could enter the site, turn and exit in a forward gear. This is because the proposed properties

¹ Planning application refs: DM - 21/00790/AS and NOT/2024/0914

would be significantly in excess of the maximum carry distance for residents and operatives set out in the Manual for Streets (MfS).

13. No details of visibility splays or vehicle tracking for refuse vehicles in accordance with the MfS requirements have been provided. Although the access has been used for the rear garage and storage area at No 47 for some time, the addition of two substantial sized houses with six new parking spaces would significantly increase use of the access. Further, whilst the unprotected trees at the access entrance could be removed to improve visibility, as a wide verge and footway separate it from the carriageway, it is unclear how this would address the visibility splay requirement.
14. The appellant refers to improvements to road safety and traffic management due to proposed traffic calming measures along Appledore Road associated with a large scale development allowed on appeal². However, it is unclear when these will be implemented, how they would affect the part of the road close to the appeal site and whether they would change the visibility splay requirements for the proposed scheme.
15. Consequently, I conclude that there has been a failure to demonstrate that the proposal would not harm highway safety with regard to the proposed access arrangements. This would be contrary to Policies TRA7 and HOU3a of the LP where they require residential development to be safely accessed from the local road network and seek to resist intensified use of existing accesses where there would be a clear risk of road traffic accidents.

Ecology

16. The woodland on the site is a self-seeded mix of young native deciduous trees. Much of this would be removed to accommodate the proposed development, though a 6m buffer zone of trees and shrubbery around the north and east boundaries would be retained.
17. The Preliminary Ecological Appraisal (PEA) assesses the potential impact of the proposed scheme on various species. There is no evidence of badgers in the vicinity. Further, whilst the site may provide suitable habitat for great crested newts, reptiles, birds, foraging and commuting bats, common toad and hedgehogs, working methods and timings together with other mitigation measures could be implemented to ensure no harm to these species.
18. However, the PEA recognises that the woodland has some suitability for hazel dormice and that the proposal could have a negative effect on this species. It recommends a survey to determine if hazel dormice are present. No such survey information has been submitted.
19. Hazel dormice are a European Protected Species protected by law³. ODPM Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It further states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the

² Appeal ref: APP/E2205/W/21/3284479

³ Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981

planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

20. In the absence of any hazel dormice surveys, and based on the information before me, the presence of hazel dormice cannot be ruled out and I cannot be certain as to the extent to which they may be affected. Further, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required.
21. Consequently, I conclude that it has not been demonstrated that the proposal would not harm protected hazel dormice. This would conflict with Policies ENV1 and SP2 of the LP where developments should have regard to environmental sensitivity and safeguard features of nature conservation interest.

Other Matters

22. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions, parking, water efficiency and carbon reduction. However, 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.

Planning Balance and Conclusion

23. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the National Planning Policy Framework (the Framework), with recent appeal decisions finding that the supply falls within a range between 3.5 years and 4.54 years. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
24. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
25. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. The scheme would make a modest contribution of two family sized homes to the supply of housing, making better use of a site within the built-up confines of Tenterden with access to services and facilities. It would contribute towards Ashford's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
26. In contrast, the proposal would harm the character and appearance of the area. There has also been a failure to demonstrate that it would not harm highway safety with regard to the proposed access arrangements and that it would not harm protected hazel dormice. This would conflict with the Framework where it requires developments to be sympathetic to local character, provide safe and suitable access to the site, and protect priority species. The proposal would also be contrary to Policies SP1, SP2, SP6, ENV1, ENV3a, ENV5, TRA7 and HOU3a of the LP. These matters combined carry significant weight against the scheme.
27. Consequently, the adverse impacts I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.

28. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR