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## Appeal Decision

Site visit made on 5 June 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 SEPTEMBER 2025

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### Appeal Ref: APP/E2205/W/25/3359481

### Island Cottage, Appledore Road, Stone, Kent TN30 7JL

- 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 Michael Knaggs against the decision of Ashford Borough Council.
  - The application Ref is PA/2024/1046.
  - The development proposed is described as “the demolition of existing dwelling and outbuildings and erection of 2no. self-build dwellings, with associated parking, garage and gardens”.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and outbuildings and erection of 2no. dwellings, with associated parking, garage and gardens at Island Cottage, Appledore Road, Stone, Kent TN30 7JL in accordance with the terms of the application, Ref PA/2024/1046, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Notwithstanding the description of development identified on the planning application form, the appellant has clarified that the proposal is not for self-build dwellings, and has submitted a biodiversity net gain metric, biodiversity net gain plans and biodiversity net gain report to demonstrate that a 10% gain will be achieved. I do not consider that any parties have been prejudiced by the submission of biodiversity net gain information at appeal stage, and the Council has been afforded the opportunity to comment on the additional information. I have therefore determined the appeal using the following description of development: “The demolition of existing dwelling and outbuildings and erection of 2no. dwellings, with associated parking, garage and gardens”, removing reference to self-build.
3. The site is occupied by a mobile home and vehicle repair workshop which benefit from a Certificate of Lawfulness<sup>1</sup>. Since determining the application, the subject of this appeal, the Council has granted planning permission for the erection of 2no. self-build chalet bungalows following the demolition of the existing dwelling and outbuildings on the appeal site<sup>2</sup>. I have noted and had regard to the details of the approved scheme.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the High Weald National Landscape.

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<sup>1</sup> LPA reference 15/00858/AS

<sup>2</sup> LPA reference PA/2025/0197

## Reasons

5. The appeal site is located in the countryside to the south-west of Appledore, with scattered farm buildings and dwellings to the north, south and west. The proposal is to replace the existing bungalow and associated buildings with a pair of detached houses.
6. The site is located in the High Weald National Landscape (HWNL), where Section 85 of the Countryside and Rights of Way Act 2000 requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes. The special qualities of the HWNL are set out in the High Weald AONB Management Plan 2024-2029, which identifies it as one of the best-preserved medieval landscapes in north-west Europe, whose natural beauty is derived from the essentially rural and small-scale landscape character, rich in wildlife and cultural features. The mosaic of small mixed farms and woodlands is considered to represent a quintessentially English landscape.
7. Policies ENV3a and SP6 of the Ashford Local Plan 2030 adopted February 2019 (ALP) set out criteria for development proposals in the HWNL. Among them are that the location, form, materials and design must conserve and where appropriate enhance or restore the character of the landscape; and that the special qualities, distinctive character and tranquillity of the HWNL must be enhanced. Proposals for replacement dwellings must address the specific sensitivities that are prevalent in the area, with particular consideration given to the scale and wider impact of replacement dwellings.
8. The existing buildings on the site are single storey, relatively modern, and in some cases dilapidated. The main view of the site is from the west when approaching along Lower Road, with the buildings set against a backdrop of trees, and the roof of the bungalow visible above the front boundary hedgerow. From the north the site is screened by a copse and to the south by a hillock, whilst to the east screening is provided by a substantial hedgerow and trees.
9. As indicated by the extant permission for two chalet bungalows, there is no dispute between the parties that the principle of replacing the bungalow, mobile home and vehicle repair workshop with a pair of dwellings is acceptable. Like the consented scheme, the proposed houses would have a relatively long, narrow floorplan, but whereas the consented chalet bungalows are positioned side-on in relation to the road, the proposed houses would be oriented end-on to the road, with a higher eaves and ridge line. The Officer's Assessment Sheet for the chalet bungalows confirmed that the existing boundary hedgerow and trees provide good screening, and that the contemporary vernacular architecture provided visual interest.
10. The High Weald Housing Design Guide November 2019 entitled "Building better, building beautiful in the AONB" (HDG) contains advice on achieving the right built form (DG5) and is a material consideration. It guides that, although some single storey buildings – mostly with a small footprint and often timber framed and boarded – are locally characteristic, domestic buildings in the High Weald are typically two storeys in height. The proposal for a pair of two storey houses is an appropriate design response to this advice. Moreover, the unbroken eaves and simple fenestration of the proposed houses, along with their timber cladding, represent a contemporary reinterpretation of traditional vernacular buildings, in accordance with DG5.

11. I do not share the Council's assessment of the proposal as overly formal and a highly suburban form of development, and nor do I consider that the proposed houses would be incongruous or intrusive. Although higher than the existing buildings, the orientation of the proposed houses would mean that their long elevations would only be evident in oblique views from the road, thereby minimising their visual impact. By having contrasting external cladding, the pair of houses would reflect the HDG's support for 'variations on a theme'. For these reasons, I consider the design of the proposal to be appropriate to the character of the appeal site and to the HWNL.
12. I am consequently satisfied that the proposal would not harm the character or appearance of the High Weald National Landscape and would therefore preserve and enhance its natural beauty in accordance with paragraph 189 of the National Planning Policy Framework (the Framework). The proposal would as a result accord with policies ENV3a and SP6 of the ALP, the aims of which I have outlined above, as well as policies SP1, ENV3b, ENV5 and HOU7 of the same plan, which promote high quality design which pays particular regard to landscape characteristics and in so doing creates a positive sense of place.

### **Conditions**

13. The Council has recommended that 15 planning conditions be imposed in the event that the appeal is allowed. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and assessed the conditions in relation to the six tests set out in the Framework.
14. In the interests of certainty, I have imposed a time limit condition (No 1) and a condition listing the approved plans (No 2).
15. To ensure that construction is carried out with minimal environmental impacts, I have attached a pre-commencement condition requiring a construction management plan to be approved and implemented (No 3).
16. Given the site's rural location, it is necessary, as recommended by the Council's Environmental Protection Team, to ensure that foul water is appropriately disposed of. I have therefore attached a pre-commencement condition requiring that foul sewage details be approved and implemented, in order that the approved foul water drainage scheme can be implemented during the course of the development (No 4).
17. To protect habitats and species from adverse impacts during construction, a pre-commencement condition requiring the approval and implementation of a precautionary works method statement is required, as requested by Kent County Council's Ecological Advice Service (No 5).
18. To protect the appearance of the HWNL, external materials and a landscaping plan need to be approved and implemented (Nos 6 and 7). I have not attached the Council's suggested condition relating to hedgerow retention as this is implicit in the landscaping condition.
19. In order to enhance biodiversity, a detailed enhancement plan should be approved and implemented (No 8). Since the Council's suggested lighting design plan relates to biodiversity, I have incorporated it in this condition.

20. In the interests of sustainable travel and highway safety, I have attached conditions requiring that vehicle and cycle parking be provided (Nos 9 and 10).
21. To protect the environment in light of the car repair business on site, a condition requiring works to cease should contamination be encountered is justified (No 11).
22. To limit the effects of the development on the living conditions of occupiers of nearby neighbouring properties, I have attached a condition limiting light trespass (No 12).
23. To ensure that the houses are not enlarged in a way that could harm the HWNL, permitted development rights for extensions, roof additions and outbuildings should be removed (No 13). It is not necessary to remove the right to extend upwards (Class AA) as this does not apply in National Landscapes, and neither is it necessary to remove the right to add porches (Class D) which would have only a minor impact on the HWNL.
24. As the provision of electric vehicle charging points is controlled by the Building Regulations, I have not imposed the condition suggested by the Council.
25. Under the statutory framework for biodiversity net gain, permission is deemed to have been granted subject to the condition that the biodiversity net gain objective is met. It is not therefore necessary for me to attach a condition in this regard.

### **Conclusion**

26. For the above reasons, the proposal accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*J Heppell*

INSPECTOR

### Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission:  
Site Location Plan 01624-PL-50  
Proposed Block Plan 01624-PL-150A  
Proposed Ground Floor Plan 01624-PL-225A  
Proposed First Floor Plan 10624-PL-226A  
Proposed Roof Plan 01624-PL-227A  
Proposed Elevations Plot 1 01624-PL-350A  
Proposed Elevations Plot 2 01624-PL-351A  
Proposed Site Elevations 01624-PL-352A
- 3) Prior to the commencement of development, a construction management plan shall have been submitted to and approved in writing by the local planning authority, and the development shall thereafter be undertaken in full accordance with the approved plan.
- 4) Prior to the commencement of development, a scheme for the disposal of foul water shall have been submitted to and approved in writing by the local planning authority, and the development shall thereafter be undertaken in full accordance with the approved scheme.
- 5) No development works shall take place (including any ground works/vegetation clearance) until a precautionary works method statement detailing precautionary mitigation measures, as outlined in the preliminary ecological appraisal (KB Ecology May 24), has been submitted to and approved by the local planning authority. The works shall be carried out in accordance with the approved details for the full duration of the construction period. The content of the method statement will include:
  - The objectives for the proposed precautionary mitigation works;
  - The extent and location of proposed mitigation works shown on appropriate scale plans;
  - Details of construction works timing and expected duration;
  - Proposed sensitive working methods, such as a precautionary approach to vegetation removal, reasonable avoidance measures (RAMs) for protected and priority species, and sensitive timing of vegetation clearance works for breeding birds;
  - Contingency plans should a protected species be encountered during works; and
  - Details of those responsible for implementing the precautionary mitigation.
- 6) Prior to above ground works taking place, details (including source/manufacturer and colour) and samples (where required) of all materials to be used on the external surfaces of the buildings, including but not limited to tiles and cladding, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved and retained for the lifetime of the development.

- 7) Within three months of works commencing, a landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the occupation of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 8) Within three months of works commencing, a detailed plan showing how the development will enhance biodiversity as outlined in the preliminary ecological appraisal (KB Ecology May 24) shall be submitted to and approved in writing by the local planning authority. This will include a detailed landscaping plan and lighting design plan, with native species and integrated wildlife features. The approved measures will be implemented prior to occupation and retained thereafter, and no external lighting shall be installed other than in accordance with the approved measures.
- 9) Before the occupation of the dwellings hereby permitted, the area shown on drawing number 01624-PL-150A as vehicle parking and turning shall be provided for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 10) Prior to the occupation of the dwellings hereby permitted, bicycle storage facilities for at least two bicycles per dwelling shall be provided and shall be retained thereafter.
- 11) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 12) Any external lighting which is installed shall have a maximum vertical luminance of no greater than 5 Lux.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no development shall be carried out within Classes A, B and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order or any Order revoking and re-enacting that Order.

**End of schedule**