



## Appeal Decision

Inquiry held on 16-18, 23, 24 and 26 September 2025

Site visits made on 18 and 22 September

by **Siobhan Watson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3<sup>rd</sup> November 2025

**Appeal Ref: APP/E2205/W/25/3360094**

**Land south of Hamstreet Road, Hamstreet, TN26 2NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Hallam Land against the decision of Ashford Borough Council.
- The application Ref is PA/2024/1908.
- The development proposed is: Outline application for the construction of up to 140 new homes, formation of new accesses from Hamstreet Road, green infrastructure including landscape planting, habitat creation and open space, drainage infrastructure including a new pumping station, pedestrian and cycle routes, and associated works and infrastructure with all matters reserved save for access (excluding internal circulation).

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council confirmed before the Inquiry opened that Reasons for Refusal 4 and 6, in respect of ecology and climate change, had been resolved. In addition, it was confirmed at the Inquiry that the section 106 agreement addressed Reason for Refusal 7.

### Main Issues

3. The main issues are
  - (i) whether the site is a suitable location for development having regard to local and national policy for housing and accessibility; and
  - (ii) the effect of the proposal on the character and appearance of the site and surrounding area, including the setting of the Royal Military Canal scheduled monument.

### Reasons

#### *Location*

4. Hamstreet is designated as one of three Rural Service Centres in the Ashford Local Plan 2030 (the LP). It is therefore a locationally sustainable settlement. The principle of new housing in Hamstreet is consistent with the LP's spatial strategy. However, the proposal would not actually be within the settlement of Hamstreet but it would be next to it in the open countryside. Nevertheless, LP Policy HOU5 *Residential Windfall Development in the Countryside* allows for housing development that adjoins or is close to numerous listed settlements, one of which is Hamstreet.

5. Acceptability under HOU5 is subject to certain criteria. Criterion b) requires that “The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services”. Criterion d) requires that “The development is located where it is possible to maximise the use of public transport, cycling and walking to access services.”
6. The commentary preceding LP Policy HOU5, in paragraph 6.58, advises that “Although some reliance on the private car is inevitable in rural locations, the availability of good public transport links, cycling and walking routes can help to reduce that reliance and enable better accessibility to services that may only be available in higher-order rural settlements or Ashford itself. Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide”.
7. Manual for Streets (MfS) in paragraph 4.4.1, also indicates that walkable neighbourhoods are typically characterised as having a range of facilities within 10 minutes (up to around 800m) walking distance of residential areas which residents may access comfortably on foot. The MfS also says that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. I accept that 2km is generally walkable but the easy/comfortable 800m guide is common to both MfS and paragraph 6.58 of the LP.
8. The approximate distances to services with Hamstreet from proposed dwellings within the site are set out in the table below from the Planning Statement of Common Ground.

	Approximate distance from closest dwelling (m)	Approximate distance from furthest dwelling (m)
Hamstreet Village park/play area	255	690
Hamstreet GP surgery	275	710
Victory Hall Community Hall	265	700
A bus stop (on Ruckinge Road)	415	850
Morrisons Daily shop and Post Office; Indian restaurant; Coffee shop	565	1000
Dukes Head pub; Fish & chip shop	615	1050
Hamstreet Dental Clinic	665	1100
Hamstreet train station	1,120	1,555
Hamstreet Primary Academy school and Kindergarten	1,170	1,605

9. Only the village park/play area, the GP and the community hall would be within 800m of all dwellings at the site. Some of the dwellings would also be within 800m of the bus stop, a grocer’s shop/post office, restaurant, coffee shop, takeaway, pub

- and dentist. None of the houses would be within 800m of the train station or school. All of the services would be within 2km of the site.
10. I accept all of the facilities are within easy cycling distance. However, not everyone can or will cycle so walking routes are important.
  11. The site has two pedestrian accesses. One of the pedestrian accesses is via steps onto Hamstreet Road and the other is via a public right of way (PROW) through a Council car park and along its vehicular access.
  12. The stepped access is because of the elevated location of the site. The plan illustrating the stepped access shows about 12 steps down to the road from the site. A narrow footway would be provided on Hamstreet Road next to the steps for a short distance until there is no further space for a footpath. At the end of the short footpath pedestrians would have to cross to the footpath on the other side of the road, walk along that for a bit and then cross back again to walk into the village.
  13. Whilst crossing roads is normal, it would be a bit of an inconvenience that there would be no continuous footpath on the appeal side of the road. More importantly, the stepped access is not suitable for people with mobility difficulties. Neither is it suitable to use with prams or pushchairs or anything else heavy to carry. The steps are an obstacle to an inclusive “easy” walking distance to any service, regardless of how close they are. The stepped access would only be suitable for unencumbered fit and able people.
  14. An alternative to the steps is the PROW which runs through a Council car park and its vehicular access track onto Fairfield Terrace. This is likely to be the walking route to and from school for residents of the proposed development. The PROW would be improved by removing the broken fencing at the site boundary and there would be improvements to its width, gradient and surface around this point. Within the car park, a designated pedestrian route would be marked out but due to space constraints, there would be no physical separation between vehicles and pedestrians.
  15. On my site visit I drove along the vehicular access which is part of the pedestrian route. This access track is extremely narrow so there is no opportunity for cars and pedestrians to pass. Its length, at approximately 30m, would exacerbate the risk of pedestrian/car conflict. Furthermore, a car park with manoeuvring vehicles would not make for a good pedestrian route for primary school children. I acknowledge Kent County Council’s advice that the pedestrian access would be safe. In my assessment, and at a very minimum, the potential for conflict between vehicles and pedestrians would be inconvenient and frustrating.
  16. Furthermore, although lighting would be at the entrance to the vehicular access and within the car park, no lighting is proposed along the vehicular access/track. This track has little natural surveillance as it is fenced off on both sides. It would not be pleasant to walk along in the dark, which is a lot of the time in the winter. The fact that the Highway Authority did not request additional lighting does not make the lack of it acceptable.
  17. Hamstreet Academy Primary School and Kindergarten would be some 1170 to 1600m away from the proposed houses. I walked the route which took about 15 minutes but that was without children and from the closest edge of the site. I do not consider that the incline near the school is particularly off-putting, although it might

be for people with mobility difficulties. Nevertheless, I noticed that much of the route was along narrow pavements which would create added difficulty and time to the route if walking with children or buggies, especially when passing others. In addition, the parent/guardian is likely to have to walk there and back when dropping off children so it would be more than a half hour walk for the adult. I do not consider the school to be within easy walking distance even if the pedestrian access were more acceptable. I note the Appellant's reference to a "walking bus" but I do not have full details of its implementation and therefore I give the idea minimal weight.

18. I accept that it is inevitable that some journeys would be taken by car no matter how short the distance. I also consider that some people would choose to walk to all of the facilities in the village, including to the bus stop and the train station, as they are all within walking distance. Nevertheless, I consider that not enough of the facilities would be within "easy" walking distance for all new residents. Moreover, I consider that the pedestrian accesses would not be pedestrian friendly and would be of an unacceptably poor quality for a new development. This would further put people off walking even short distances, including to the bus stop, especially in the dark.
19. The financial contributions towards improvements to various other PROWs would not have any material effect on these pedestrian accesses. I note the Appellant's reference to the Interim Travel Plan but this does not assist the quality of the walking route or overcome the inadequate pedestrian accesses.
20. I conclude that the site is not in a suitable location for development. It would conflict with LP Policies SP1, SP2, SP6, HOU5 and TRA5. In combination, these policies seek to ensure that development is focused in accessible and sustainable locations, encourage as much non car-based travel as possible, and has accessible pedestrian access. I also find conflict with Framework paragraph 115b) as suitable access to the site would not be achieved for all users; paragraph 117a) which expects applications for development to give priority first to pedestrian and cycle movements; paragraph 117c) which seeks to avoid conflicts between pedestrian and vehicles and paragraphs 110 and 129c) which seek to ensure that development is in sustainable locations in respect of a choice of travel modes.

### *Character and Appearance*

#### Royal Military Canal (RMC)

21. The RMC is a Scheduled Monument (SM) which is 28 miles long running from Hythe to Cliff End. The section most relevant is a 4.04km section running from Ham Street Bridge to Bilsington Bridge<sup>1</sup>.
22. The SM is an early example of a national defence system, planned in response to the Napoleonic Wars and is the only defence structure of its kind. By the time the Royal Military Canal was fully ready for use, the threat of invasion had passed and in 1807 it opened to navigation, collecting tolls for the transportation of produce and goods. The canal was requisitioned by the War Department in 1935 as war in Europe became increasingly likely, and the banks of the canal were subsequently lined with pill-boxes. It is the only defence structure of its kind and is rare and novel. It has associations with major figures, notably William Pitt the Younger and the noted engineer John Rennie. It therefore has historical significance.

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<sup>1</sup> List Entry No 1005127

23. It also has architectural significance. The canal retains its linear character and distinctive kinks that were strategically placed every 450-500m along its length, which evidence its engineered construction and geometry. Parts of the back drain survive in places along its length, as well as traces of the parapet, visible as an earthwork scarp on the north side that flattens out. It also survives as an earthen terrace to the north of the canal.
24. The location of the SM was selected to benefit from the topography. The decision to position and align the canal broadly along the northernmost extent of the Romney Marsh at a point just before the landform changes from flat to a hill was an important part of the design.
25. The RMC can be experienced from a wide expanse of countryside. The best place to experience it is from the PROW alongside the canal. In addition, the PROW which crosses the appeal site has views across the canal. From the PROW within the appeal site, I could see the route of the canal which was marked by vegetation and a flat area of grass which runs along the top. I accept that no water is visible from this point and neither are close-up details of the RMCs various engineering features. Nevertheless, the route of the canal and its surrounding topography can be experienced from the appeal site. These views allow some understanding of the asset. The proposed development would substantially block those views. This is where the most significant change to the setting would take place.
26. From the PROW alongside the canal, the appeal site can be seen on the land above. The countryside setting north of the RMC is of some significance as it is indicative of the topography that was taken into account when positioning the canal. Currently, the canal in this location is largely visually free of surrounding development. The introduction of a housing estate on higher land, some 300m away, would erode its rural setting to some extent. Even after 15 years, screening would not fully hide the development and screening can never replace lost countryside. The proposed trees on the blue land at the side of the canal would not help to retain the open views upwards towards the site from the path alongside the canal either.
27. The setting of the SM would therefore be adversely affected. I consider that the harm to the SM would be less than substantial and, in the language of the Framework, at the lower end of the scale of less than substantial harm.
28. Paragraph 212 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme. I will address this later.

### Countryside

29. The appeal site is not covered by any national or local landscape designations. It is not a valued landscape for the purposes of paragraph 187(a) of the Framework. The site is located within Landscape Character Area (LCA) 19 (Old Romney Shoreline Settlements), immediately south of LCA21 (Shadoxhurst Wooded Farmlands) and around 500 metres north of LCA2 (Romney Marsh Mixed Farmlands). The appeal scheme would therefore lead to direct effects to LCA19 and indirect effects to LCA21 and LCA2.

30. The Key Characteristics of LCA19, as set out in the Ashford Landscape Character Assessment (page 90) are:
- Undulating landform slopes southwards towards Romney Marsh;
  - Open views out of the area across the Romney Marsh to the south;
  - Mixed land use;
  - Higher wooded ground to the west, which would have been an island prior to reclamation of the surrounding marshes;
  - Numerous small settlements along the former shoreline;
  - Distinctive stone churches are prominent landmark features.
31. The Landscape Statement of Common Ground recognises that the proposed development would conflict with a number of the guidelines to conserve the landscape set out for LCA19, specifically:
- Conserve the rural, prominent backdrop to the Romney Marsh;
  - Conserve the open, rural character of the south facing slopes with run down onto the expansive low-lying farmlands of the Marsh;
  - Conserve wide, open views across the Romney Marsh to the south;
  - Maintain the lack of large-scale development.
32. It is common ground that by year 15 the adverse landscape and visual effects would all be moderate adverse or lower, with the exception of views from the PROW within the site, which would be major adverse.
33. The landscape resource (i.e. the physical landscape elements within the site) is negligible at present. The proposal would result in the site becoming around 34% built form with the remaining 66% being parkland with native grassland, hedgerows and woodland. All this would generate over 50% biodiversity net gain (BNG). Green corridors throughout the scheme would reflect historic lost hedgerows. The indicative landscape design within the site would be of a high quality and I consider that it would make the proposed housing estate internally attractive.
34. The appeal site is on high ground known as "Cotton Hill". It is significantly higher than the land that surrounding houses are built upon, and can be seen in long range, wide, open views which are key characteristics of LCA19. The appeal site is a prominent feature within LCA19 and is widely perceived from parts of LCA2. The visibility of the site is very extensive. This makes it highly sensitive to change.
35. The hill obscures views of Hamstreet from surrounding undeveloped land, such as views from the south, including from the RMC and the PROW further south of the RMC and from areas around Hamstreet Wood. Therefore, when looking at the proposed development, from numerous angles and viewpoints, it would not be against a backdrop of built development. It would look like an isolated housing estate in the countryside.
36. Views from Hamstreet Woods are very wide open and long range, for example, I was able to see Dungeness on the distant coastline. The proposed development

- would partially block these long-range views from Hamstreet Woods. In addition, the open views from within the site itself would be very significantly diminished.
37. Whilst tree planting could provide some screening, even after 15 years the development would still be visible through gaps between the branches. It would be particularly intrusive when viewed from the south and such screening would not mitigate the loss of views from Hamstreet Woods. Overall, the development would be highly visually intrusive and entirely uncharacteristic of the surrounding landscape.
  38. In addition, although the houses are indicated to be on the side of the site away from the road, some development would be evident from Hamstreet Road due to the presence of the main vehicular access. This access point lies over 350 metres from the existing edge of the settlement and would introduce a distinctly suburban feature into an otherwise rural setting. As such, the development would result in a perceptible erosion of the road's rural character.
  39. The Appellant pointed out that the site is of a comparable height to those of other parts of the village. However, those other developments have different contexts to the appeal site because they are in different places surrounded by different topography. In addition, just because the village has grown in some directions does not mean it would be acceptable for it to grow onto Cotton Hill. I give the harm to the character and appearance of the countryside very significant weight.
  40. I conclude that the proposed development would very significantly harm the character and appearance of the area and it would harm the significance of the RMC. I therefore find conflict with LP Policies SP1, SP2, SP6 HOU5, ENV3a and ENV13. In combination, these seek to ensure that development conserves and enhances the borough's natural environment and landscapes; sits sympathetically within the wider landscape; takes account of environmental sensitivity, landform, local character, distinctiveness and sense of place; and conserves heritage assets. Furthermore, it would not be consistent with Framework Paragraph 187(b) which advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

## **Other Matters**

### Housing Land Supply

41. On 1 April 2024 (the current base date), the Council had delivered only 8,570 homes against a Local Plan requirement of 16,872 additional homes for the period 2011-2030. This is a significant shortfall against the adopted housing requirement. It is agreed that the Council cannot demonstrate a 5-year housing land supply (HLS). Their figure is 3.27 years whereas the appellant's figure is 2.6 years.
42. There are many housing developments in the area which are held up by the issue of nutrient neutrality due to the unfavourable condition of the Stodmarsh SAC/SPA/Ramsar. This is a major problem and is holding up around 3000 dwellings. The Council is making some progress in resolving the issue with two schemes which provide nutrient credits.

43. One is through a joint venture company with Canterbury City Council and is administered by Stour Environmental Credits Ltd. Credits will be available from January 2026. The company says that it is expected that these credits will be allocated and sold in tranches to those developers who are waiting for nutrient credits to make their planning application acceptable and have no other matters outstanding. They are to be allocated to developers that can start building immediately following the grant of planning permission. They are not to be banked or transferred.
44. In addition, the Council has its own source of nutrient credits via its own property company, A Better Choice for Property Ltd. The credits are achieved by retrofitting water control flow devices in Council housing stock. It has been agreed with Natural England and is in operation. Planning applications relying on this source of nutrient mitigation are progressing through the appropriate assessment process.
45. There are also longer term national developments which will contribute to the resolution of the Stodmarsh issue, including statutorily required upgrades to wastewater treatment works by 2030 and proposals for a levy-style system in the Planning and Infrastructure Bill.
46. I do not need certainty that a site will be deliverable. The Framework defines deliverable as sites that are available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
  - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
47. Taking into account that definition, my assessment of the disputed sites is as follows:

Commercial Quarter (Tannery Lane) 90 dwellings

48. This site has a local plan allocation and is owned by the Council. It could benefit from the Council's own source of nutrient credits via A Better Choice for Property Ltd and I heard that the Council has awarded a contract for site clearance work. However, there is no planning permission or planning application. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Lower Queen's Road 40 dwellings

49. This site has a local plan allocation but it has no planning permission and no planning application has been submitted. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Chart Road 25 dwellings

50. This site has a local plan allocation. There is no planning permission but a full planning application for a 75-bed care home and 7 dwellings was being considered at the time of the Inquiry and the applicant had done some site assessment work. An appeal had been dismissed previously due to nutrient neutrality issues. I understand that the current scheme is waiting for nutrient credits to become available but there is no resolution to grant planning permission. I also understand there are objections to the application from statutory consultees. Therefore, I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Conningbrook Residential Phase Two 30 dwellings

51. This has a local plan allocation. There is an outline planning application with a resolution to grant, subject to signing a S.106 for the provision of nutrient credits. Even if it is signed, the site would still only be a category b) site. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Land South of Brockman's Lane, Bridgefield 30 dwellings

52. This has a local plan allocation and there is a resolution to grant outline planning permission subject to the signing of a S.106 for a bespoke nutrient mitigation scheme. The Council says the draft S.106 is advanced. However, the resolution to grant planning permission was over 5 years ago. Even if the S.106 is completed, and outline permission is granted, the site would still only be a category b) site. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Eureka Park 30 dwellings

53. This has a local plan allocation and there was a resolution in March 2024 to grant outline planning permission subject to the signing of a S.106 for a bespoke nutrient mitigation scheme. Even if the S.106 is signed, the site would still only be a category b) site. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Playing fields at Linden Grove Primary School 30 dwellings

54. The Council resolved to grant outline planning permission in July 2020 subject to the signing of a S.106 for the provision of nutrient credits. Even if it is signed, the site would still only be a category b) site. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### The Old Flour Mills 53 dwellings

55. There was a resolution in July 2022 to grant full planning permission subject to the signing of a S.106 for a nutrient mitigation scheme. This would be the developer's own bespoke scheme which has not been finalised and it would require an appropriate assessment. Discussions about this are still ongoing. Given that the resolution has been in place for over 3 years, I have no reason to have confidence that the S.106 will be completed any time soon. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Kingsnorth Green 180 dwellings

56. This has a local plan allocation and outline planning permission. The applicants are housebuilders but no reserved matters have been submitted. There are also pre-commencement conditions on the outline permission that need to be discharged although I understand that one condition discharge is pending determination. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Waterbrook 90 dwellings

57. This is an allocated site with outline planning permission and also a reserved matters application and a full application pending determination. The resolutions to grant were over a year and a half ago. The dwellings would be mitigated via an on-site wetland which is acceptable, in principle, to Natural England. However, I heard doubts about a water abstraction licence that would be required. I do not consider that there is clear evidence that housing completions will begin on site before the end of the 5-year period.

### Charing – Land adjacent to Poppyfields 30 dwellings

58. This is an allocated site with outline permission and a reserved matters application pending determination which is held up waiting for nutrient credits to become available. Should the reserved matters be approved, then it would be a category a) site. This is the kind of site that appears to be a priority for allocating nutrient credits by Stour Environmental Credits Ltd. As the credits are available from January 2026, I consider that there is a realistic prospect that the site will be delivered within the 5 years.

### Charing – Land south of Arthur Baker 59 dwellings

59. This is an allocated site with outline permission and reserved matters awaiting determination. It was recommended for approval in June 2022. The site is owned by a Council owned development company. It is awaiting nutrient credits from the Council's own scheme of retrofitting Council houses. As this scheme is up and running, I consider that there is a realistic prospect that the site will be delivered within the 5 years.
60. Out of these disputed 12 sites, I consider two, comprising 89 dwellings should be included in the supply. This is a comparatively small amount which means that I find that the HLS supply figure is not quite as low as the Appellant suggests, but it is extremely close to their figure. The Council's 5-year HLS is seriously low.

### Benefits of the appeal Scheme

61. The proposal would provide some 140 houses. Whilst I note the Appellant's evidence that Hallam have a good record for delivery, there is no clear evidence before me that they would be delivered within the 5 years. I also appreciate that the Stodmarsh problem is likely to be resolved over time which would eventually release the held-up dwellings. Nevertheless, these houses would add to the overall supply anyway. I give this significant weight.
62. The scheme would also provide 40% affordable housing which equates to 56 homes. Housing costs are above the national average in Ashford. The accumulated shortfall since the beginning of the 2014 SHMA period is 2346 affordable homes. Some 4185 affordable homes are needed over the next five years but the Council is projected to deliver only 563 of them. People in Ashford wait between 2 and 3.5 years to find an appropriate affordable home and there are 194 households in temporary accommodation. It is not disputed that there is an affordable housing crisis in Ashford. I note that the proposed homes might not be delivered on site, due to the cascade mechanism proposed, and this could cause a delay in delivery. However, they would still be provided eventually and would contribute to Ashford as a whole. I give the provision of 56 affordable homes significant weight.
63. The proposed 7 self/custom build homes is policy compliant but it would still be a benefit to which I give moderate weight.
64. There would be some 52% biodiversity net gain (BNG) provision. This is far greater than the required 10% and I give it moderate weight.
65. The proposal would provide publicly accessible greenspace which would be substantially over the policy requirement as in excess of 60% of the appeal site is indicated to be green space. However, the site is already green with a PROW through it. Nevertheless, there would be public benefit in that the S.106 requires the provision of children's and young person's play space and facilities which would be part of the public open space. I give this provision a small amount of positive weight.
66. There would be improvements to the PROW between the site and Fairfield Terrace. These are mainly to benefit the residents of the proposed development but they would benefit other users of the PROW as well so I will give this a small amount of positive weight. There would also be a financial contribution to other PROWs but I consider that this is to make the development acceptable.
67. I give moderate weight to the economic benefits resulting from the construction of the dwellings and from new occupants spending money at local businesses.
68. I note the appellant's claimed benefits that the site is not constrained by landscape designations, flood risk, or the Stodmarsh issue, unlike much of the rest of Ashford. However, this is a theoretical lack of harm, not a benefit. The lack of these constraints on the site does not automatically make the development acceptable.

69. The appellant claims that the houses would meet Future Homes Standards and would therefore be energy efficient and low carbon. However, this is primarily an avoidance of harm and I give this factor minimal weight.

### Heritage Balance

70. Paragraph 202 of the Framework states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* SMs are of national importance and are assets of the highest significance.<sup>2</sup>
71. Paragraph 215 of the Framework advises that when a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits described above outweigh the heritage harm.

### Planning Obligations

72. The parties have signed an agreement under S.106 of The Act. This makes numerous provisions. Some are to make the development acceptable and others can be considered benefits of the scheme. The benefits included are the provision of affordable housing, self/custom build housing, open space/play areas and the improvements to the PROW to Fairfield Terrace. The remainder of the provisions in the S.106 agreements pertain to make the development acceptable. However, it is not necessary for me to look at them in detail, given that I have found that the proposal is unacceptable for other reasons.

### **Planning Balance and Conclusion**

73. I have found harm in respect of the location of the site in relation to its accessibility to which I give significant weight. I also find harm to the character and appearance of the site and surrounding area to which I give very significant weight. In addition, I find harm to the setting of the RMC SM to which I give great weight. As a result of all these harms, I have found conflict with several development plan policies and in my assessment, the proposal conflicts with the development plan as a whole. I have also found conflict with the Framework.
74. The Council has a seriously deficient 5-year HLS and therefore the tilted balance is engaged. There are a variety of benefits to the scheme, however, the adverse impacts of granting planning permission would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

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<sup>2</sup> Framework Para 213

75. For the above reasons the appeal is dismissed.

*Siobhan Watson*  
INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Hashi Mohamed of Counsel, assisted by Edward Arash Abedin instructed by LRM Planning Limited, called:

Dr Chris Miele IHBC, MRTPI Senior Partner Montague Evans LLP - Heritage

Mr Andrew Williams BA Hons, DipLA, DipUD, CMLI, Director Define - Landscape

Mr Ben Pyecroft BA (Hons), DipTP, MRTPI, Director Emery Planning – Housing Land Supply

Mr Owen Jones (BA) Hons, DipTP, MSc, MRTPI, PIEMA, Director LRM Planning - Planning

### **FOR THE COUNCIL:**

Emma Dring, counsel, instructed by Ashford BC Legal and Democracy, called:  
David Withycombe BSc, MSc, CMLI of Land Management Services - Landscape character and appearance

Grace Connelly-Moss MA, MSc of Ashford BC – Heritage

Claire Marchant BA, PGDTP, MRTPI of Ashford BC – Housing land supply

Harriet Turner BSc, MA, Deputy Team Leader Plan Making and Infrastructure Team

Steve Musk BA, MA, MRTPI of Ashford BC – Planning

Cheryl Parks, Senior Planning and Development Lawyer and Daniel Humphrey, Locum Senior Planning and Development Solicitor of Ashford BC in respect of the s106 agreement.

### **INTERESTED PARTIES**

Councillor Aline Hicks, Weald South, Ashford Borough Council

Councillor Linda Harman, Saxon Shore, Ruckinge, Ashford Borough Council

Neil Davies, local resident

Nicky Withey, local resident, speaking for herself and separately on behalf of Mr Roger Withey (local resident)

Suzanne Levett on behalf of Eleanor Davies (local farmer)

Linda Lancett-Miles on behalf of Margaret Brickstock (local resident)

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- ID 1 Hamstreet – Heritage email comments 2024
- ID 2 Ruckinge Parish Council comments
- ID 3 Appellant's opening statement
- ID 4 Council's opening statement
- ID 5 Cllr Linda Harman Interested Party Statement
- ID 6 Mr Davies Interested Party Statement
- ID 7 Cllr Aline Hicks Interested Party Statement
- ID 8 Timetable Hamstreet Indicative Only
- ID 9 Note regarding Stodmarsh Mitigation and its Appendices
- ID 10 S106 Joint Position Statement 23-09-25
- ID 11 Council's Closing Submissions
- ID 11.1 Appendix 1 to Closing Submissions - St Modwen Developments Ltd v SSCLG [2017] EWCA Civ 1643
- ID 11.2 Appendix 2 to Closing Submissions - R (East Bergholt PC) v Babergh DC [2019] EWCA Civ 2200
- ID 12 Appellants Closing Submissions
- ID 12.1 Annex 1 to Appellants Closing Submissions - Visao Ltd v SSHCLG [2019] EWHC 276 (Admin)
- ID 12.2 Annex 2 to Appellants Closing Submissions - City & Country Bramshill Ltd v SoS [2021] EWCA Civ 320
- ID 12.3 Annex 3 to Appellants Closing Submissions - Cornwall Council v Corbett [2020] EWCA Civ 508
- ID 12.4 Annex 4 to Appellants Closing Submissions - Suffolk Coastal DC v Hopkins Homes & Ors [2017] UKSC 37.
- ID 13 Plan submitted by interested parties to aid the site visit