



Appeal Decision

Site visit made on 9 December 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/E2205/W/25/3371741

Churchfield Way, Churchfield Green, Wye, Ashford, TN25 5ER

- 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 Mahmut Savas against the decision of Ashford Borough Council.
 - The application Ref is PA/2025/0526.
 - The development proposed is a street food van business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of the Wye Conservation Area and the landscape and scenic beauty of the North Downs National Landscape;
 - the effect of the proposal on the living conditions of nearby residents, with particular regard to noise and disturbance; and
 - whether the proposal would conflict with national planning policy relating to hot food takeaways in close proximity to schools and places where children and young people congregate.

Reasons

Character and appearance

4. The appeal site is located on Churchfield Way within the built-up area of Wye, adjoining Churchfield Green, which is an important and attractive feature of the settlement. This part of the village is characterised by a spacious and verdant townscape, where residential development is set within generous green margins

and softened by mature trees and planting. Churchfield Green provides a sense of openness within the settlement and allows longer views across grassed open land towards the surrounding countryside and rising hills beyond. Along Churchfield Way, the gently curving alignment of the road, together with the presence of established trees and open space, creates a visually cohesive and tranquil environment, with intermittent views of the village church adding to the area's historic and scenic interest.

5. The appeal site lies within the Wye Conservation Area (CA), which is designated for its special architectural and historic interest. The significance of the CA derives not only from individual listed and historic buildings, but also from its medieval origins, distinctive linear settlement pattern, historic street hierarchy, and the contribution of open spaces and views that connect the village to its surrounding landscape. The Conservation Area Appraisal identifies views across Churchfield Green and towards the wider landscape as important components of the area's character and appearance.
6. Churchfield Green performs an important role in visually and functionally framing the CA. It provides visual relief, maintains openness, and reinforces the historic relationship between the built form of the village and the wider landscape. Its uncluttered character and absence of commercial development is integral to the way the CA is experienced.
7. In addition, the site lies within the North Downs National Landscape (NDNL). The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas, which is the statutory purpose of such landscapes. Of particular relevance is the identified view corridor across the Downs and Stour Valley and key vista point on Churchfield Way, which is recognised by the Wye Neighbourhood Plan (identified in Policy WNP1c and Figure 2.3) as an important view contributing to the village's setting and its relationship with the wider landscape.
8. From Churchfield Way and the adjoining green, this view is experienced as a largely uninterrupted and uncluttered outlook across open space towards the rolling landform of the Downs and the Stour Valley beyond. The absence of built or commercial features within the foreground allows the landscape to be read clearly, reinforcing a sense of openness and visual continuity between the settlement and its rural context.
9. The proposal would introduce a visually apparent and activity-led commercial use into the foreground of this view corridor. Although the appellant emphasises that the van is mobile and modest in scale, the regular presence of a street food van, together with associated customer activity, vehicle movements and operational paraphernalia, would introduce visual clutter and movement into what is currently a calm and open vista. This would interrupt established sight lines, eroding the clarity and appreciation of the identified view, and would also materially alter the character of this space.
10. This activity-led change would introduce visual clutter into an area valued for its openness and tranquillity, and create a focal point of commercial activity that would appear incongruous within the historic spatial framework of the CA. The proposal would therefore erode the contribution that this area makes to the CA's significance.

11. The appellant contends that the proposal would not result in visual clutter, citing the absence of illuminated signage, external furniture or advertising, and suggests that such matters could be controlled by condition. The harm identified arises not merely from ancillary items, but from the regular stationing of a commercial vehicle and the associated activity within a space that contributes to the significance of the CA and the appreciation of the identified vistas. Even without signage or external fittings, the presence of the van itself, together with customer activity, queuing and associated movement, would introduce visual clutter and distraction into what is presently an open and uncluttered townscape and view corridor. Conditions could not prevent this fundamental change in visual experience or avoid the resulting harm.
12. In reaching this view, I have had special regard to the statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Furthermore, Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. Given the above, the proposal would fail to preserve or enhance the character and appearance of the Wye Conservation Area and would result in harm to its significance. Accordingly, the proposal would fail to satisfy the requirements of the 1990 Act and conflict with Policies SP6, and ENV14 of the Ashford Local Plan 2030 (the 'Local Plan') and insofar as they seek to ensure proposals demonstrate a careful consideration of local character, preserve or enhance the character and appearance of conservation areas, and do not prejudice important views out of conservation areas.
14. The proposal would also not conserve or enhance the landscape and scenic beauty of the NDNL. It would therefore conflict with the Framework, which requires great weight to be given to this objective, and would be contrary to Policies SP1 and ENV3b of the Local Plan insofar as they seek to ensure proposals conserve and enhance the special qualities of protected landscapes.
15. Furthermore, the proposal would not adhere to Policies WNP1b, WNP1c, WNP2 and WNP8 of the Wye Neighbourhood Plan insofar as they seek to safeguard open spaces, important views and protect local distinctiveness and the surrounding designated landscape.

Living conditions

16. The proposal would operate during evening hours in close proximity to existing residential properties along Churchfield Way. Whilst the appellant indicates that a silent battery rather than a generator would be used to power the appliances, this would not address the other sources of disturbance likely to arise, namely customer arrivals and departures, vehicle doors, voices, queuing and general activity associated with a takeaway use.
17. Given the site's relationship to nearby dwellings and the public nature of the space, I am not persuaded that conditions could adequately control or mitigate the effects of customer behaviour and associated disturbance. In this context, the proposal would result in undue harm to the living conditions of nearby residents.

18. The appellant suggests that any impact on residential amenity could be mitigated by restricting opening hours, including by limiting evening trading or by operating within a daytime window. I accept that daytime operation would be likely to result in a lower level of disturbance than evening use. However, the concern in this case arises from the introduction of a takeaway use into a residential environment adjoining open public space, where customer arrivals, departures, queuing and general activity would remain readily perceptible. Even if confined to daytime hours, this level and type of activity would be at odds with the prevailing character of the area and would continue to give rise to an unacceptable degree of disturbance to nearby residents. In these circumstances, restricting or amending the hours of operation would not be sufficient to avoid harm to living conditions.
19. Given this, the proposal would harm the living conditions of neighbouring occupiers with regards to noise and disturbance. It would conflict with Policies SP1 and SP6 of the Local Plan and paragraph 135 of the Framework insofar as they seek to ensure proposals are appropriate to their context and provide a high standard of amenity.

Location of hot food takeaway

20. The appeal site lies within walking distance of Wye School and Lady Joanna Thornhill Primary School and directly adjoins Churchfield Green, a well-used area of public open space where children and young people are likely to congregate outside formal school hours.
21. The appellant argues that there is no adopted local development plan policy which defines a specific exclusion radius for hot food takeaways or mobile food vendors in proximity to schools. I accept that the development plan does not set out a fixed distance threshold or locally prescribed buffer zone in this regard. However, the absence of a defined radius does not mean that the issue carries no weight, nor does it prevent the application of national policy.
22. Paragraph 97(a) of the Framework advises that planning decisions should refuse applications for hot food takeaways within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre. This policy is deliberately framed in locational and qualitative terms rather than by reference to a precise distance, reflecting the fact that walking distance and patterns of movement will vary according to local context. In this case, the appeal site is clearly accessible on foot from nearby schools and lies adjacent to a space frequently used by children and young people.
23. The appellant also contends that the proposal would operate outside typical school hours and that this would mitigate any policy concern. Whilst I acknowledge that evening or restricted daytime trading would reduce the likelihood of direct interaction with pupils during the school day, the Framework does not confine its concern solely to school hours. Rather, it refers more broadly to the presence and availability of hot food takeaways within walking distance of schools and places where children and young people gather. Churchfield Green, in particular, is likely to be used by children and families beyond formal school times, including after school and at weekends.
24. Moreover, the appeal site is not within a designated town centre, where such uses might otherwise be anticipated and accommodated. In these circumstances, I find

that the proposal would conflict with the aims of paragraph 97(a) of the Framework.

Other Matters

25. The proposal would provide some limited economic benefit through the support of a small business. However, this benefit carries limited weight due to the modest scale of the enterprise. A letter of support states the proposed business would broaden the food choices in Wye. This is noted but there are already several restaurants, a supermarket and other food outlets offering hot food takeaway in what is a modestly sized settlement. This consideration therefore attracts limited weight.
26. These considerations would not outweigh the harm identified to the character and appearance of the Wye Conservation Area, the Kent Downs National Landscape, the living conditions of nearby residents, and the conflict with national policy regarding hot food takeaways near schools.

Conclusion

27. 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.
28. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR