



Appeal Decision

Site visit made on 11 February 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2026

Appeal Ref: APP/E2205/D/25/3374520

2 Orpins Close, Brabourne, Kent TN25 6PT

- 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 David Sharp against the decision of Ashford Borough Council.
 - The application Ref is PA/2025/0822.
 - The development proposed is formation of a new driveway off existing dropped kerb access.
-

Decision

1. The appeal is allowed and planning permission is granted for formation of a new driveway off existing dropped kerb access at 2 Orpins Close, Brabourne, Kent TN25 6PT in accordance with the terms of the application, Ref PA/2025/0822, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings:

Location Plan	
Proposed Site Plan	- GA-0002 Rev 1
Proposed Plan and Elevations	- GA-0003 Rev 1
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved drawings.
 - 4) No site clearance, preparatory work or development shall take place until an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan have been submitted to and approved in writing by the local planning authority. The development shall be carried out and completed in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of neighbouring occupiers with particular regard to obstruction or conflict of the access and highway safety.

Reasons

3. The scheme provides additional parking for two cars. Given that they would be serving a dwelling which already has some parking that is accessed via Orpins Close, any uplift in vehicle movements is unlikely to be significant.

4. Access to the appeal site would be via an existing area of hardstanding and a dropped kerb onto The Lees Close. This hardstanding also provides parking to the front of Nos. 16 – 18 and access into Nos. 19 and 20. These parking spaces and access routes would not change as a result of the proposal and so would not be blocked or obstructed.
5. If a vehicle entering the appeal site had to wait, say for the entrance gate to open, this is only likely to be for a few seconds. As I observed on my site visit, given the level of on-street parking on The Lees Close, a delivery van is likely to be a more significant obstruction, to more residents and for a longer period of time than the proposed arrangements for the appeal site.
6. Any additional vehicles entering and exiting the site are also likely to be travelling at low speeds, the same as other residents who use the area. Whilst my site visit was only a snapshot of a weekday morning, I observed one car arrive, use the dropped kerb and safely park, all whilst a resident was standing close by. There is nothing to suggest that the proposal would not lead to similar safe encounters if someone happened to be on or using the hardstanding when the appeal site was being accessed.
7. There may be occasions when more than one vehicle is entering/exiting the area at the same time. Visibility in the area is generally good and at the low speeds which vehicles, pedestrians and cyclists would be moving, the chance of conflict seems very small.
8. I appreciate that there is less visibility between the appeal site and the entrance to No.19 but it is not a totally blind junction. Thus, were vehicles to be using these access points at the same time, drivers would have sufficient visibility to see the other car emerging and react accordingly. Similarly, pedestrians or mobility scooters emerging from No.19 would be seen by drivers of vehicles entering or leaving the appeal site. Whilst the extent of the visibility at this point may be more limited than elsewhere in the vicinity, I see no reason why residents of 2 Orpins Close (or their visitors) would not wish to exercise the necessary level of caution.
9. As the scheme provides for an on-site turning area, it seems unlikely that drivers would choose to reverse out of the site and not avail themselves of this facility. However, if a vehicle were to reverse out of the appeal site, speed would again be low. It seems likely that the driver would have to be paying close attention to what is around them in order to negotiate the gated entrance. The distance to the dropped kerb would not be far and other users would generally have good visibility of the moving vehicle.
10. It seems evident from the representations on the proposal that The Lees Close is heavily parked, which in turn narrows the road. However, despite the difficulties this might cause some residents, there is no evidence of the road having a poor accident record or substantive information to demonstrate that the proposal would have an unacceptable impact on highway safety.
11. Overall, I find that there is insufficient evidence to demonstrate that the proposal would have an adverse impact upon the living conditions of neighbouring occupiers with particular regard to the obstruction or conflict of the access nor in terms of highway safety. Consequently, it complies with Policy SP6 of the Ashford Local Plan 2019 which supports high quality design, including through ease of movement and public safety.

12. It would also accord with paragraph 117(c) of the National Planning Policy Framework which seeks to ensure developments create places that are safe, secure and attractive which, amongst other things, minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Other Matters

13. The Council has not raised concerns as to the appearance of the works or harm arising through additional noise and disturbance and I see no reason to disagree.
14. The new driveway would be a permeable surface and there is no substantive evidence before me to indicate the development would cause any localised flooding or surface water issues
15. I understand that the dropped kerb was initially installed to allow access to No.19. However, I am not aware that there is a restriction on its use by other residents. Even if there were a restriction or ransom strip, these would be private matters and there is nothing before me to suggest that any negotiations would be unsuccessful in reaching a resolution.
16. Interested parties have raised concerns that the scheme may be in relation to a business use. Any activities which are not incidental to the enjoyment of the dwelling would be a separate matter for the Council to consider. Similarly, if damage were to occur to the existing surfaces or kerb as a result of the construction works or through usage, then these would be matters for the relevant parties and outside the remit of this appeal. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conditions

17. In addition to the standard time limit, a condition listing the approved plans is necessary to provide certainty, as is a condition linking the materials to them. The proximity of protected trees necessitates the imposition of a condition requiring the submission of arboriculture details. This needs to be a pre-commencement condition and I have obtained the appellant's written consent for this approach.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

Stewart Glassar

INSPECTOR