



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: 27 March 2026

Appeal Ref: APP/E2205/W/25/3376207

Parker Farm, Hamstreet, Ashford, Kent TN26 2JQ

(Easting: 599979 - Northing: 133161)

- 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 Chris Dickens (Clarus Solutions Ltd). against the decision of Ashford Borough Council.
 - The application Ref is PA/2025/0996.
 - The development proposed is the erection of 8 dwellings together with all necessary infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of this appeal, the appellant has submitted additional information regarding ecology/wildlife issues. The Council has confirmed that the information addresses its concerns in this regard and that this part of the reason for refusal is withdrawn. Consequently, it is not a main issue in my consideration of the appeal.
3. The appeal has been accompanied by a signed Unilateral Undertaking (UU) that secures provision for affordable housing, community and infrastructure contributions. The Council has commented on the UU, and I consider it below.

Main Issues

4. The main issues are (a) the effect of the proposed development on the character and appearance of the area; (b) whether there is appropriate affordable housing, community and infrastructure provision; (c) the level of parking provision; and (d) whether there is sufficient drainage information.

Reasons

Character and Appearance

5. Policy SP2 of the Ashford Local Plan 2019 (ALP) establishes the Council's strategic approach to housing delivery. It indicates that development in rural areas will be at a scale appropriate to the settlement.
6. As part of this approach, the appeal site is allocated for housing development. Policy S32 explains that the allocation has an indicative capacity of 10 dwellings. As part of this, the policy expects, amongst other things, a soft landscape along the site boundaries and that the development should take into account the Hamstreet Village Design Statement (VDS) with regard to design and layout. The

supporting text provides further detail, expecting the landscape screening to the southern boundary to break up the urban edge of the site and help create a clear edge to the settlement and provide a transition to the open countryside.

7. Policy SP1 of the ALP establishes that the highest design quality is a principle to be adhered to by planning applications. This is further articulated in Policy SP6 which requires developments to be of a high-quality design and to demonstrate a careful consideration of and positive response to various criteria, including character, distinctiveness and sense of place.
8. The Council also references Policies HOU3a and HOU18 of the ALP. Policy HOU3a relates to windfall sites within settlements but the site is already allocated for housing. Furthermore, Policy HOU18 is concerned with proposals (as opposed to allocations) of 10 or more dwellings. As such, neither of these policies appear to be directly related to the appeal site or proposal.
9. The VDS identifies a number of design issues (pages 10 – 13) and aims for future development (page 14). The Council does not indicate there to be a concern with the design of the houses or choice of external materials per se. They do however raise concerns with the scheme not comprising a range of house sizes, the first aim for future development identified in the VDS. The size and number of dwellings on a site will inherently influence the design and layout of any scheme and thus how well it integrates into the prevailing environment.
10. The appeal site forms a grassed field parcel at the southwestern end of Hamstreet. Access is via a private road with housing adjacent to the north and east of the site. There is also newer housing development further to the northwest of the site. These existing housing developments do not establish a particular or consistent approach to the development along such edge of village locations.
11. At the eastern end of the appeal site are some old agricultural buildings in various states of disrepair. They are of utilitarian appearance and whilst of little architectural merit, they are not a totally alien sight in a location such as this one. Despite their current state of repair, they provide something of a buffer/transition between the adjacent housing and the open countryside beyond.
12. The proposed scheme lays the site out as a cul-de-sac with a hammerhead at the western end. The houses all address the access road and in some places are positioned close to it. This does help to give the houses bigger rear gardens, which in turn has the benefit of largely keeping the built form that bit further away from the southern and western site boundaries.
13. Nonetheless, the houses are all large and inward looking. The rather regimented approach to building and plot sizes would provide the scheme with a suburban character as would the cul-de-sac layout. The suburban character would be compounded by the repeated use of detached house types and the provision of car barns with parking spaces in front of them.
14. There is little in the way of landscaping detail or information, and so nothing to suggest that the scheme has sought to address or integrate the soft landscaping along site boundaries as the development plan seeks. From the information that is available, it appears that plots 4-8 would be set back behind a hedge, with the considerable bulk of those houses likely to remain highly visible from the adjacent public right of way.

15. When viewed outside the context of the appeal site the design of the new dwellings may well be considered high quality. However, the features, outlined above, would bring a suburban quality to the area that would not be sensitive to the character of this semi-rural location. And while the new dwellings' form would have some traditional elements and be constructed in materials typically seen in a semi-rural environment, the appeal scheme would not evoke any sense or indication that it has sought to integrate itself into this edge of village location or create a sense of place. The incongruity of the development within this setting would be visible both from the public right of way and from neighbouring houses.
16. It is suggested that a scheme for 10 houses would have the same impact as the one before me for 8 houses. I acknowledge that the redevelopment of the site for housing will inevitably erode the site's open character and change its relationship with the countryside beyond. However, a scheme for 10 houses is not proposed and so I cannot be certain that a different layout and/or mix of houses would necessarily have the same effects as those I have identified above. Indeed, there is little information to suggest that what has been submitted is the only or most appropriate way of achieving housing on the site.
17. I acknowledge that the use of the term 'overdeveloped' in the reason for refusal is somewhat unhelpful and can be seen as being contradictory with the overall thrust of the Council's objection. However, this does not sufficiently detract from the overall concern which has been raised by the Council, namely that the development is harmful to the character and appearance of the area.
18. The Parish Council's initial observation and comment highlighted concerns with the access. It is not clear if they made any further representations. However, a lack of objection from the Parish Council is not necessarily indicative of a lack of harm.
19. The site has been allocated for residential development, and the proposal would go some way to help meeting an acknowledged shortage of housing. However, it would fall short of the local plan's expectations for the site and there is insufficient substantive evidence before me to indicate that the site could not be developed in a way that is less harmful to the character and appearance of the area.
20. On this main issue, I therefore find that the appellant has not demonstrated that the site cannot be developed for a policy compliant scheme and that the proposal is an appropriate development of the site. Consequently, it is contrary to Policies SP1, SP2, SP6 and S32 of the ALP which, amongst other things, seek to ensure that the development of the site for 10 houses is of a high design standard and provides appropriate landscaping that promotes a sense of place and responds to the prevailing character of the area.

Affordable Housing, Community and Infrastructure Provision

21. Counterpart unilateral undertakings (UU) have been submitted to me as part of the appeal proceedings. They are both signed and dated. Although only one is witnessed, it has not prevented me from considering them collectively as seeking to address the issues of affordable housing, community and infrastructure provision.

Affordable Housing

22. Policy HOU1 requires the provision of affordable housing on all schemes promoting 10 dwellings or more; and on sites of 0.5 hectares (ha) or more. The policy sets out the required level and mix of provision, which is expected to be delivered on site. The proposal is only for 8 dwellings but is on a site of 0.63 ha.
23. The policy does allow for a flexible approach, including an off-site financial contribution. However, this requires independently verified evidence to establish that it is not possible to deliver the required housing. Little in the way of verified viability evidence has been supplied but the appellant is nonetheless willing to make a financial contribution in lieu of on-site provision.
24. Two Registered Providers (RPs) have indicated to the appellant that they would not be interested in taking units on the site. I acknowledge that there are often good reasons for a RP not wishing to take on only one or two units at a site. However, even though the appellant may have struggled to find a RP for the site, the Council has indicated that it would be prepared to take on units in this location.
25. The correspondence between the main parties suggests the Council would not be keen to take on the type of house currently proposed. I appreciate that the scheme is for 8 large dwellings and this is the development to be determined. However, the policy requirement is to provide a mix of unit types as well as affordable housing on site. The appellant has not provided any substantive rationale or independently verified viability information (which is the test in the development plan) for why such an approach should be disregarded in this case.
26. Indeed, if the appellant's approach were to be repeated often enough on other sites, the overall effect could be considerable on the provision of affordable houses in areas such as Hamstreet. Over time, the wider policy objectives of seeking a mix of dwelling sizes and types across the district would not be met. At this stage, the absence of a sufficiently robust case to omit on-site affordable housing therefore weighs against the scheme.
27. The appellant raises concerns that if the Council were to be the only interested provider it might undermine viability and delivery. However, there is no evidence of this being the case and it is not clear why the Council would wish to undermine a policy compliant scheme from coming forward. I am also mindful that there is nothing to suggest that a developer only having one provider interested in a site would be an unprecedented situation or necessarily make a development unviable.
28. Although components (a) – (e) of the reason for refusal did not make a specific reference to affordable housing, 'Affordable Housing' is referenced in the list of documents to which the proposal is said to be contrary. To my mind this is clearly a reference to the Supplementary Planning Document on the issue. It was also clear from the officer report that the absence of affordable housing provision was an important reason for the rejection of the proposal and indeed was addressed in the appellant's appeal submissions.
29. I also note that item (e) relates to the absence of a completed legal agreement. In subsequent discussions with the Council about the unilateral undertaking, affordable housing was discussed and a blue pencil clause agreed by the Council, albeit on a without prejudice basis to their decision. As such, I am satisfied that the appellant has not been prejudiced by how the reason for refusal was written.

30. In view of the above, I do not therefore find that it has been sufficiently demonstrated that the site cannot be developed for a policy compliant scheme as regards affordable housing. For this reason, the scheme would be contrary to Policy HOU1 of the ALP.

Community and Infrastructure Provision

31. The UU also seeks to address the infrastructure requirements of the County Council (contributions towards Adult Care, Community Learning, Children's Services, Libraries, Secondary Education, SEND provision and waste) as well as the matters of informal natural green space contribution, open space obligations, management company obligations and the provision of M4(2) dwellings.
32. I understand that the Council has been involved in the drafting of the UU but has only offered comments in relation to the affordable housing element. It is not clear whether the County Council has been involved in these discussions. However, having regard to the KCC Developer Contributions Guide (2023) and the representations from the County Council on the appeal, I am as satisfied as I can be that these obligations in the submitted UU are necessary in order to make the development acceptable in planning terms, are directly related to the development, and reasonable in scale and kind.
33. They accord with the tests in the Framework and Community Infrastructure Levy Regulations (as amended). As such, the proposal complies with Policies COM1, COM2 and IMP1 of the ALP as regards community and infrastructure provision.

Parking Provision

34. As the proposed garages did not count towards on-site parking provision, plots 2, 3, 6, 7 and 8 fell below the required number of spaces. The Highway Authority's comments on the planning application indicated that this could be remedied by either extending the driveways or revising the garages to become car barns.
35. The appellant has submitted amended drawings which replace the garages with car barns. This is a relatively minor adjustment that does not alter the scheme or prejudice any party. The Council has not raised any objections or made any comments in relation to these changes. On the basis of the amended parking arrangements, the proposal would provide the appropriate level of parking provision for the individual houses.
36. The Highway Authority also highlighted the somewhat impractical location of the visitor parking. I share the Highway Authority's uncertainty as to how well this would be used in practice. Whilst this is unlikely to lead to highway safety issues and may not be a reason in itself to reject the scheme, it is a further illustration of the proposed layout not responding well to the constraints of the site.
37. On this main issue, I find that the revised scheme would provide a sufficient number of parking spaces and so would accord with the parking standards for residential development as set out in Policy TRA3(a) of the ALP.

Drainage

38. The County Council's Flood and Water Management Team (FWMT) raised a number of queries regarding the technical information submitted with the planning application. The comments did not raise an overall objection to the development.

39. In some cases, there can be merit in seeking to progress the technical discussions as part of a planning application, especially if they might lead to a change to the site layout or arrangements. It appears that the issue here was largely one of a lack of information/detail rather than a fundamental disagreement as to whether appropriate drainage could be achieved or that the layout might need to change as a result of further information.
40. The Council has proposed some drainage conditions that could be imposed, if I were minded to allow the appeal. Having regard to those and the information they seek, it seems to me that the queries from the FWMT could be addressed prior to the commencement of development.
41. I appreciate that a tension could still arise between any approved layout and the subsequent submission of drainage information, but this would ultimately be a matter for the developer to seek to resolve. The Council would retain final approval before development could begin.
42. In the circumstances, I am satisfied that the proposal would accord with Policy ENV9 of the ALP which sets out the requirements for the disposal of surface water and so avoid any increase in flood risk or adverse impact on water quality.

Other Matters

43. A recent appeal in Hamstreet found the Council's housing land supply to be not as low as 2.6 years but extremely close to it. The Council acknowledges that supply is 'in the region of 3 years' but the appellant emphasises the point made by the Inspector in that appeal that the Council's housing land supply is considered to be 'seriously low'. Given this level of provision, it is clear that the Council's policies are not delivering the housing required by national policy.
44. In this context additional housing coming forward on allocated sites is to be welcomed. However, this also adds emphasis to the need to ensure allocated sites deliver as many units as possible. There is therefore something of a contradiction in the appellant's position of highlighting the shortfall in housing land but proposing a scheme which underdelivers on the number and mix of expected units.
45. The extent to which the site is in a sustainable location was not a contentious issue in the appeal, given that it is allocated in the ALP. Consequently, it is a neutral matter in my considerations.

Planning Balance

46. The proposal would be contrary to local policies which seek to maximise the number of houses delivered while respecting local character. These local policies are consistent with the National Planning Policy Framework (the Framework) insofar as it seeks to ensure that land is used effectively, housing is delivered and for different groups within the community whilst ensuring character and sense of place are respected. Therefore, in a context where not enough houses are being delivered, I attach significant weight to them.
47. Nonetheless, in the absence of a 5-year housing land supply, paragraph 11 d) of the Framework is engaged. This means that it is necessary to consider whether any adverse impacts of the development 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 in the Framework for directing

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

48. Development of the site would boost the supply of housing by eight houses; there would be economic benefits in both the short and longer terms; and the scheme could no doubt be built out relatively quickly. The scheme could deliver ecological/biodiversity enhancements and there may also be some social benefits from additional households in the village.
49. My findings in relation to the issues of parking and drainage remove potential obstacles but do not, in themselves, weigh in favour of the scheme. The UU would deliver contributions which are in the main required to ensure the development is not harmful and so the positive weight the UU carries is limited.
50. Conversely, the appeal proposal would deliver fewer units than expected from this site. In absolute terms two additional units would be a small numerical uplift over the current proposal. Nonetheless, it has not been sufficiently demonstrated that a greater number of units, as well as affordable housing, cannot be provided on site. As the scheme would not be as effective in reducing the supply deficit as it could be, not only would it fail to make effective use of the land but there would be conflict with one of the main provisions of the Framework, which is the delivery of a sufficient supply of homes.
51. The harm is further compounded by virtue of the proposal also failing to sufficiently integrate into the prevailing environment thereby resulting in harm to the character and appearance of the area. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework. The harm I have found would lead to conflict with paragraph 135 of the Framework, which, amongst other things, seeks to ensure that new development is sympathetic to local character.
52. The package of benefits that would flow from the appeal proposal would weigh considerably in favour of the appeal and I recognise that the benefits meet many of the Framework's objectives. However, in this case, the harm identified in the previous paragraphs would weigh very heavily against the appeal proposal. In my judgement, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
53. As a result, the proposal would not be sustainable development within the meaning of the Framework, and this weighs heavily against the proposal such that the presumption in favour of sustainable development does not apply.

Conclusion

54. For the reasons given above, I conclude that the proposal conflicts with the development plan when taken as a whole, and there are no material considerations, including the Framework, to outweigh this conflict. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR