

# Appledore Parish Council

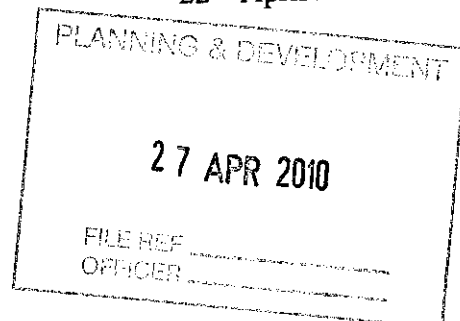
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E mail: [emily.neighbour@ntlworld.com](mailto:emily.neighbour@ntlworld.com)

22<sup>nd</sup> April 2010

Pam Herapath  
Programme Officer  
Tenterden & Rural Sites DPD  
Ashford Borough Council



Dear Mrs Herapath,

## **Appledore Heath and the Tenterden & Rural Sites DPD**

Further to your e mail of 23<sup>rd</sup> March I have been asked by my parish council to send you a dossier to pass to the Inspector including all the correspondence Appledore Parish Council have had with Ashford Borough Council on the subject of the removal of Appledore Heath from the list of settlements where infilling/ windfall housing growth would be permitted.

I was also asked to copy this correspondence to the parish council clerks of all the other settlements similarly affected in Ashford Borough, who may be unaware of the proposed changes, in order to bring it to their attention:

i.e. Bilsington, Godmersham, Kenardington, Newenden, Ruckinge, Stone, Warehorne, Pluckley Thorne, Pluckley Station and Rolvenden Layne.

I hope the Inspector will have time to review the position these settlements now find themselves in and to decide whether Ashford Borough Council's consultation process was adequate.

Yours sincerely,

Emily Neighbour,  
Clerk

# Appledore Parish Council

38 Albert Road, Ashford, Kent TN24 8NX

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2<sup>nd</sup> September 2009

Richard Alderton  
Planning Department  
Ashford Borough Council

Dear Mr Alderton,

## **Appledore Heath and the Tenterden & Rural Sites DPD**

You may be aware that I met with Daniel Carter yesterday with Charles Wilkinson of the Appledore Parish Plan Committee and Councillor Mick Burgess. Whilst the bulk of the discussion focussed on the uses that ABC would put the Parish Plan to, Housing was mentioned and Daniel pointed out what he obviously expected us to be aware of – that Appledore Heath would no longer be considered suitable for additional development. This was news to both myself and Councillor Burgess. As Parish Clerk, I was sent a copy of the CD with all the documentation on it, but as I was aware that no particular developments were planned in Appledore I did not look too closely at it. I circulated the website address to all the parish councillors who all have e mail and offered them the CD but no one expressed a desire to have it. I then did a search of the document and cut and pasted excerpts into a document that I circulated to all councillors which is attached to this e mail. Presumably I did not search the appropriate background document as Appledore Heath was not mentioned as changing its status – perhaps naively I considered it as part of Appledore.

I have been asked to write to you by my Chairman Frances Smith to complain that at no time was Appledore Parish Council contacted individually to flag this change up to ensure that it could respond appropriately to the consultation. The next meeting of Appledore Parish Council is not until 21<sup>st</sup> September when this could be discussed properly. I am writing to request that you would accept comments on this matter after that meeting as it would not be possible to draft a considered response before then.

Yours sincerely,

Emily Neighbour,  
Clerk

## Planning and Development Services

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8th September 2009

Dear Ms Neighbour,

### **Appledore Heath and the Tenterden & Rural Sites DPD**

Thank you for your letter dated 2<sup>nd</sup> September 2009.

Policy TRS1 of the Tenterden and Rural Sites Publication Plan lists which rural settlements are suitable to accommodate minor development or infilling within their confines. Para 7.5 of the Plan states that '*such minor residential development should be limited to a range of rural settlements that can be said to have a sufficient size, form and facilities to support the creation of new residential properties*'. Appledore Heath was not deemed an appropriate rural settlement, in this context, and was therefore not included in Policy TRS1.

This position is further explained, under section 4 of the Housing and Employment Background Paper. (For ease of reference the relevant section of this Paper is attached to this letter). All of the Plans' background documentation were submitted, alongside the Plan itself, at the start of the consultation period and also included on the electronic CD which was sent to a range of bodies/ organisations, including the Parish Councils.

Unfortunately, any comment made from the Parish Council at this time, in relation to the Tenterden and Rural Sites Publication Document, cannot be treated as a formal representation. The consultation period closed at 5pm on the 11<sup>th</sup> August 2009. The Planning Regulations which set out the statutory procedures are very clear on this matter. I regret therefore that I cannot accept a formal representation at this stage as the Council must conform to these procedures.

If the Parish Council would like to send me any informal comments then we are always open to receiving these and trying to take them into account where possible.

Regards,



Simon Cole  
Policy Manager

## **Appendix - Extract from the Housing and Employment Background Paper**

### **4) Rural Housing Windfall Development**

4.1 Rural housing windfall development is residential development which comes forward in the rural area, on areas of land, other than those identified as site allocations in the Development Plan Document. Windfall sites are often small sites and deliver less than 5 residential units each. However, combined, these windfall developments can make a significant contribution to the overall housing supply in the rural area of the Borough and this has traditionally been the case in Ashford Borough.

#### **The Existing Approach**

4.2 The Borough Local Plan approach to rural housing windfall development is set out in Policies HG5 and HG6, set out below:

*HG5 - Residential development (of five or more dwellings) will not be permitted on sites other than those shown on the Proposals Map, except on 'windfall' sites which come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet and Wye.*

*HG6 Minor development or infilling will be acceptable within the confines of the following towns and villages:*

*Ashford, Tenterden, Aldington, Appledore, Appledore Heath, Bethersden, Biddenden, Bilsington, Brabourne Lees, Challock, Charing, Chilham, Egerton, Godmersham, Hamstreet, High Halden, Hothfield, Kenardington, Kingsnorth, Mersham, Newenden, Pluckley (including Pluckley Thorne), Pluckley Station, Rolvenden, Rolvenden Layne, Ruckinge, Shadoxhurst, Smarden, Stone, Warehorne, Wittersham, Woodchurch and Wye.*

4.3 Minor development was defined as 'of up to 4 houses' and the confines of the town or village were identified as 'the limits of continuous development forming the existing built-up area of the town or village. This definition may, however, include sites suitable for 'infilling' which is the completion of an otherwise substantially built up frontage by the filling of a narrow gap, usually capability of taking one or two dwellings only'.

#### **The Tenterden and Rural Sites DPD Approach**

##### *Links to overall rural housing supply*

4.4 National Government Guidance, under Planning Policy Statement 3 'Housing' suggests that Local Planning Authorities should not rely on windfall numbers to deliver the first 10 years of rural housing supply, unless there is reasoned justification to do so.

4.5 The Council, during the Examination into the Core Strategy, argued that the Borough had a consistent trend of delivering a reasonably high level of windfall development in the rural area and that this trend would be likely to continue in the future.

4.6 However, the Core Strategy Inspector concluded that the Council could only rely on a rural housing windfall allowance of 175 units over the final 5 years of the Core Strategy period (see para 6.3 of the Core Strategy).

4.7 Therefore, the Council considered that an alteration to the approach to rural windfall housing was appropriate. Indeed the Inspectors Report into the Core Strategy examination states 'I see no reason why the Tenterden and Rural Sites DPD could not take a more restrictive approach to windfalls with a view to reducing their numbers. More allocations in

*appropriate settlements, and fewer windfalls (which could be in less sustainable locations), seems arguably a better approach. In my view it would accord with the thrust of PPS3 (para 4.197).*

#### *Defining the list of suitable settlements*

4.8 As a starting point, the Council reviewed the list of settlements listed in policy HG6 of the Borough Local Plan, to determine their relative sustainability attributes or any additional planning justification to be included in a revised windfall policy. Issues such as the settlement's size, its planning context, built character, available services, planning history and the remaining suitable development opportunities for additional houses within the built-up confines of the settlement were all considered.

4.9 It is difficult to assess, in detail, the relative merits of individual, small scale rural settlements. However, the Council considers that the Sustainability Matrix is a useful starting point. In addition, the extensive local knowledge of the Council's Development Control team provided valuable input.

4.10 Using the Sustainability Matrix as a guide, the following parishes sit near the bottom of the Matrix, yet are included in policy HG6 of the Local Plan:

- *Bilsington*
- *Godmersham*
- *Kenardington*
- *Newenden*
- *Ruckinge*
- *Stone*
- *Warehorne*

4.11 This would seem to suggest that, particularly given that the Matrix score relates to the Parish as a whole, these are not particularly sustainable settlements where new development should not be specifically encouraged. These locations were therefore not considered sustainable locations for new rural housing windfall growth.

4.12 It is also considered that the following locations should not be included within a windfall housing policy:

- *Appledore Heath*
- *Pluckley Thome*
- *Pluckley Station*
- *Rolvenden Layne*

4.13 These fall within reasonable high scoring parishes within the Matrix, although none represent the principal settlement within the Parish in question. It is considered that these

locations, in their own right, do not represent suitable or sustainable locations for new housing development.

4.14 Conversely, Great Chart, has been included in the list for the Tenterden and Rural Sties DPD. Great Chart is a relatively sustainable settlement, and scored very highly in the Sustainability Matrix which accompanied the Core Strategy.

4.15 However the village was not included in the updated 2009 Sustainability Matrix as a suitable settlement to have allocated development attributed to it, primarily given the proximity of the village to the planned Chilmington Green urban extension and the need for the village to retain its separate rural character. However, suitable minor development, or infilling, within the confines of the settlement may be deemed appropriate and sustainable. Similarly, Kingsnorth village should remain a rural settlement that is suitable for windfall housing development for the same reasons.

4.16 Other than Great Chart, no other rural settlement is deemed to have the suitable sustainability merits, or have reasonable planning justifications to be included in the windfall rural housing approach.

#### *Adopting a design led approach*

4.17 Policy HG6 of the Local Plan referred to minor development as 'up to four houses'. However, arbitrarily applying a maximum number of dwellings is no longer considered the most suitable planning approach, given the change in the thrust of the policy objectives to focus windfall opportunities on more sustainable settlements.

4.18 Instead, the Council considers that it is more suitable to adopt a design-led policy approach, which ensures that development is of a suitable layout, scale, design and appearance, appropriate to the character and density of its surrounding area. Meeting these criteria in a satisfactory manner should be the determining factor in establishing an appropriate number of dwellings on a windfall site.

#### *Altering the definition of 'built confines'*

4.19 The Council has historically relied on a written definition to define the confines of rural settlements. Generally, this has proved to be a successful approach and supported at numerous planning appeals.

4.20 However, a slight alteration to the wording of the definition is deemed appropriate, to ensure the approach remains up-to-date and sufficiently robust.

4.21 The curtilage beyond the built form of a rural settlement, including associated back garden areas, paddocks and small ancillary buildings offer a different and more open character to the footprint of built development that marks out the urban extent of a settlement and marks a subtle transition from the established built form of the rural settlement into the countryside beyond. Built development should not encroach into these areas, to ensure their established and pleasant semi rural character is not eroded and therefore the definition used in this DPD refers to the built-up confines of a settlement and is defined as *"the limits of continuous and contiguous development forming the existing built-up area of the settlement, excluding any cartilage beyond the built footprint of the buildings on the site (e.g. garden areas)"*.

# Appledore Parish Council

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19<sup>th</sup> February 2009

Simon Cole  
Planning Department  
Ashford Borough Council

Dear Mr Cole,

## **Appledore Heath and the Tenterden & Rural Sites DPD**

Further to my letter of 2<sup>nd</sup> September 2009, I have been asked to send in further comments from Appledore Parish Council concerning the change in status of Appledore Heath.

The Parish Council has publicised what has been proposed and villagers are concerned that if no development is allowed in Appledore Heath then apart from exception sites there is likely to be almost no further development possible in the village. The main part of Appledore village is already quite full with building in gardens, and there are few spaces left for development. Appledore Heath, on the other hand, is quite sparsely built on, except in the Heathside, Hop Garden area, and would offer many opportunities, although the definition of the built confines does not leave much room for manoeuvre.

The logic of treating Appledore Heath as a separate settlement does not make sense to the parish councillors. It is a short walk (less than 500m) along a pavement from the south end of Appledore Heath to the playing field and recreation ground which is on the northern edge of Appledore village centre. How can the two settlements be treated as two separate entities?

If Ashford Borough Council are still inclined to omit Appledore Heath from the list of settlements suitable for minor development and infilling, I have been asked to request that Appledore Parish Council be given an opportunity to raise this matter with the Inspector at the Examination in public of the Tenterden and Rural Sites DPD in the summer.

Yours sincerely,

Emily Neighbour,  
Clerk

cc.

Daniel Carter, Richard Alderton

## Planning and Development Services

Ask For: Simon Cole  
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Tuesday 9<sup>th</sup> March 2010

Dear Ms Neighbour

### Appledore Heath and the Tenterden and Rural Sites DPD

Thank you for your letter dated 19<sup>th</sup> February 2010.

The Submission version of the Tenterden and Rural Sites DPD was submitted to Government on 22<sup>nd</sup> Feb 2010. The Secretary of State have now appointed Inspector Stephanie Chivers BA DipTP MRTPI, to conduct the Examination in Public. The Inspector will check for legal compliance and establish soundness under the three tests i.e. if the DPD is justified, effective and consistent with national policy. The public Examination hearings are likely to be conducted in May / June 2010.

The Submitted Tenterden and Rural Sites DPD does not include Appledore Heath as a settlement deemed suitable for minor development or infilling, under Policy TRS1.

Although Appledore Heath and Appledore are in close proximity to each other, the Council has historically treated Appledore and Appledore Heath as separate settlements. This position is clearly reflected in policy HG6 of the Local Plan (Adopted 2000) which stipulates that minor development or infilling would be acceptable within the confines of both Appledore and Appledore Heath.

The emergence of the Tenterden and Rural Sites DPD provides the Council with the opportunity to revisit the planning policy approach for the areas of the Borough outside the Growth Area, taking into account National Guidance and the adopted Core Strategy.

The Submitted DPD advocates a planning approach that seeks to focus windfall housing development to the more sustainable rural locations in the Borough. This approach appears to be advocated by the Core Strategy Inspector, as set out in his Report, *'I see no reason why the Tenterden and Rural Sites DPD could not take a more restrictive approach to windfalls with a view to reducing their numbers. More allocations in appropriate settlements, and fewer windfalls (which could be in less sustainable locations), seems arguably a better approach. In my view it would accord with the thrust of PPS3 (para 4.197).*

The Council do not consider that Appledore Heath is a sustainable rural location. This position is based on the limited services present, its existing built character, planning history, and its location.

In relation to the Parish Councils' attendance at the examination, it is not within the remit of the Borough Council to decide on this matter. Your request should be directed to the Inspector who will determine the validity of the request. The Inspector can be contacted via the Programme Officer (details below), who acts as an impartial officer at the inquiry and give support to the Inspector and is the point of contact for all parties.

The Programme Officer for this Examination is Mrs Pam Herapath and can be contacted during normal office hours. Contact details are:

Tenterden and Rural Sites DPD Programme Officer

c/o ASHFORD BOROUGH COUNCIL

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Yours Sincerely



Mr Simon Cole  
Policy Manager

# Appledore Parish Council

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16<sup>th</sup> March 2010

Pam Herapath  
Programme Officer  
Tenterden & Rural Sites DPD  
Ashford Borough Council

Dear Mrs Herapath,

## **Appledore Heath and the Tenterden & Rural Sites DPD**

I have been asked to contact you to request that Appledore Parish Council be given an opportunity to speak at the Examination in Public of the Tenterden and Rural Sites DPD on the subject of the proposed change in status of Appledore Heath which means it will be in future deemed unsuitable for minor development or infilling, on the grounds that it is not a sustainable rural location.

Appledore Parish Council does not understand the logic of this given that Appledore Heath is a short walk on a pavement from the northern edge of the main village of Appledore which includes a recreation ground and pavilion, a doctor's surgery, a shop with a post office, a pub, and several other shops. The parish councillors do not understand why the two settlements can be treated separately when the population of both is about the same and have access to the same amenities. Indeed, the Chair, the Vice Chair and a parish councillor all live in Appledore Heath. The parish council believes that the same rules relating to development should apply to the whole of what is effectively a single community.

I have attached the two letters sent by Appledore Parish Council to Ashford Borough Council on the subject which give more background. I have received two replies from Simon Cole. I can provide copies of these, but I only have hard copies so please let me know whether that will be necessary.

Please let me know whether it will be possible for a representative of the parish council to attend the Examination to make the case to the Inspector in person for allowing development in Appledore Heath.

Yours sincerely,

Emily Neighbour,  
Clerk

**From:** pop3. [redacted] t [mailto:m.burgess@[redacted]]

**Sent:** 23 March 2010 18:01

**To:** 'Emily Neighbour'; paul.crouch [redacted] 'David Hancock'; 'Derek Winter'; 'Frances Smith'; 'James Perkins'; 'John Wickens'; 'Wendy Selmes'

**Cc:** 'Ian Bampton'; ThrKng [redacted]

**Subject:** RE: Tenterden Rural Sites DPD and Appledore Parish Council

Dear Emily,

I agree that the last paragraph does give a glimmer of hope. The Inspectors' are always sticklers for procedure and correctness. If Ian's idea is successful, I will join the group if possible.

Best regards

Mick

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**From:** Emily Neighbour [mailto:emily.neighbour@ntlworld.com]

**Sent:** 23 March 2010 14:33

**To:** 'Michael Burgess'; paul.crouch [redacted] David Hancock; Derek Winter; Frances Smith; James Perkins; John Wickens; Wendy Selmes

**Cc:** 'Ian Bampton'; ThrKng [redacted]

**Subject:** FW: Tenterden Rural Sites DPD and Appledore Parish Council

FYI – the last paragraph offers some hope. I have made the obvious points to her with regard to how close the two “settlements” are together and should not be considered separately. I also sent her both the letters I sent to ABC originally, including points about there being no further space for growth in the main village. Let's hope she takes the time to have a drive around and look. I'm afraid we can't do anymore.

**From:** Programme Officer [mailto:programmeofficer@ashford.gov.uk]

**Sent:** 22 March 2010 15:25

**To:** Appledore & Kenardington Parish Council

**Subject:** Tenterden Rural Sites DPD and Appledore Parish Council

Dear Mrs Neighbour

In reply to your email of 17<sup>th</sup> March, the Inspector has made the following statement -

Having considered all the points made, and having revisited PPS12 paragraph C6, my view is that the Parish Council have not made a formal representation to the DPD within the specified time period and thus should not appear at the Hearings.

In the interests of fairness to other representors, I find that it would not be right to encourage the PC to submit informal written reps. at this stage.

However, my task is to look at the soundness of the DPD as a whole and all its policies, including Policy TRS1, even if no formal representations have been made on certain topics or sites. I am not limited to considering just objections.

Regards,

Pam Herapath

Programme Officer

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