

## Planning and Development

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CLAGUE	INDEX
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Subject	
	File Action
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Author	
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Our Ref: 09/00300/INF  
Your Ref:  
Date: 14 August 2009

Dear Sir

**Location** Land rear of Crossways, Canterbury Road, Challock, Kent  
**Proposal** Proposed residential development

I refer to your request for pre application advice that was received on 21 July 2009 and to our subsequent meeting held at the Council offices on 12 August 2009 concerning the above. At the meeting we discussed the following issues:

- The extent of the built confines of Challock and whether Crossways and the paddock to the rear could be considered to fall within it.
- The acceptability of residential development on the paddock or within the grounds of Crossways.
- Whether local needs housing would be acceptable on the paddock.

### Extent of built confines

In terms of the built confines you produced an aerial photograph where you had outlined what you considered to be the built confines of Challock. I explained how the Council determines what constitutes built confines (definition contained in policy HG6 of the adopted Ashford Borough Local Plan 2000) and how this was to change under the Tenterden & Rural Sites Development Plan Document (TRSDPD). I explained that the main change was that the latter document specifically excluded garden areas from the definition of built confines. I explained that the TRSDPD was at deposit stage but that weight could be given to it in the decision making process. I then produced a plan annotating planning application decisions and appeal decisions in the locality and explained how this had over the years helped to define the extent of the built confines of Challock (I attach a copy for your information). We

then specifically discussed the issue of whether the northern side of Canterbury Road between the roundabout (Crossroads Motors) and Green Lane should be considered to fall within the built confines. I explained that I considered this to fall outside of the built confines and that this had been supported on appeal recently (land adjacent to Clockhouse Farm - copy enclosed (see P3)). I explained each case was looked at on its own merits and in its context and that in the appeal on land adjacent to Clockhouse, the Inspector had agreed with the Council on its treatment of the northern side of Canterbury Road stating:

*"The north side of Canterbury Road between Green Lane and the roundabout, where the appeal site is situated, is similar in nature; it seems to me to consist of sporadic development which is a characteristic of the local countryside generally"*

Consequently I advised that in my view the land to the north of Canterbury Road between Green Lane & Crossroads Motors, including Crossways and the paddock to the rear, lay outside of the built confines of Challock for development control purposes.

The decision at Wood Dene (adjacent to Crossroads Motors) was discussed. I explained that although the appeal for 1 house was allowed with the Inspector concluding that the site lay inside the built confines of Challock he gave clear reasons for this and this did not in my view change the approach that I would take to the treatment of the northern side of Canterbury Road (copy of Inspector's letter enclosed).

### **Acceptability of residential development in the paddock behind Crossways or in the garden area**

In light of the above discussion on the built confines of Challock I stated that residential development in the paddock to the rear of Crossways was unlikely to be supported and that planning permission had been previously refused. The issue of development in the grounds of Crossways was then discussed. Although I had no details to comment upon I stated that as I felt Crossways lay outside of the built confines of Challock, then so did the garden and as such residential development in the garden would be unacceptable as a matter of principle. I also stated that I had further concerns with residential development in the grounds of Crossways (Grade II listed) as this would almost certainly harm its setting.

### **Local needs housing**

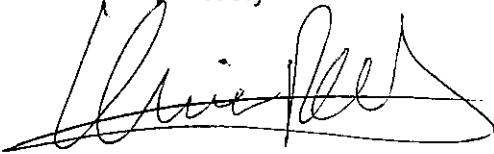
Finally we discussed local needs housing and I drew your attention to the requirements of policy HG10 of the local plan and TRS4 of the TRSDPD. I stated that any local needs scheme would need to be discussed with English Rural Housing Association (ERHA) and Challock Parish Council. I explained that if a need for local needs housing could be demonstrated then a variety of sites would need to be considered and discussions entered into with the Local Planning Authority to ascertain which may be the most suitable. I explained that even if the paddock to the rear of Crossways did eventually come forward for local needs housing (and I did stress that I felt there appeared to be better sites that may come forward first) then the owners of Crossways would have no control over who occupied the dwellings.

You should also ensure that any application meets the requirements of the Council's validation advice note and that a validation checklist appropriate for the type of application is completed and submitted with any application. The advice note and relevant checklist can be accessed via the applying for planning permission pages of the councils web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)) on the is my application valid page.

The advice given above does not indicate any formal decision by the Council as Local Planning Authority. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application. The final decision on any application that you may then make can only be taken after the Council has consulted local people, statutory consultees and any other interested parties. The final decision on an application will then be made by senior officers or by the Council's Planning Committee and will be based on all of the information available at that time.

This advice will be carefully considered in reaching a decision or recommendation on any resulting application; subject to the proviso that circumstances and information may change or come to light that could alter that position. It should be noted that the weight given to pre application advice notes will decline over time.

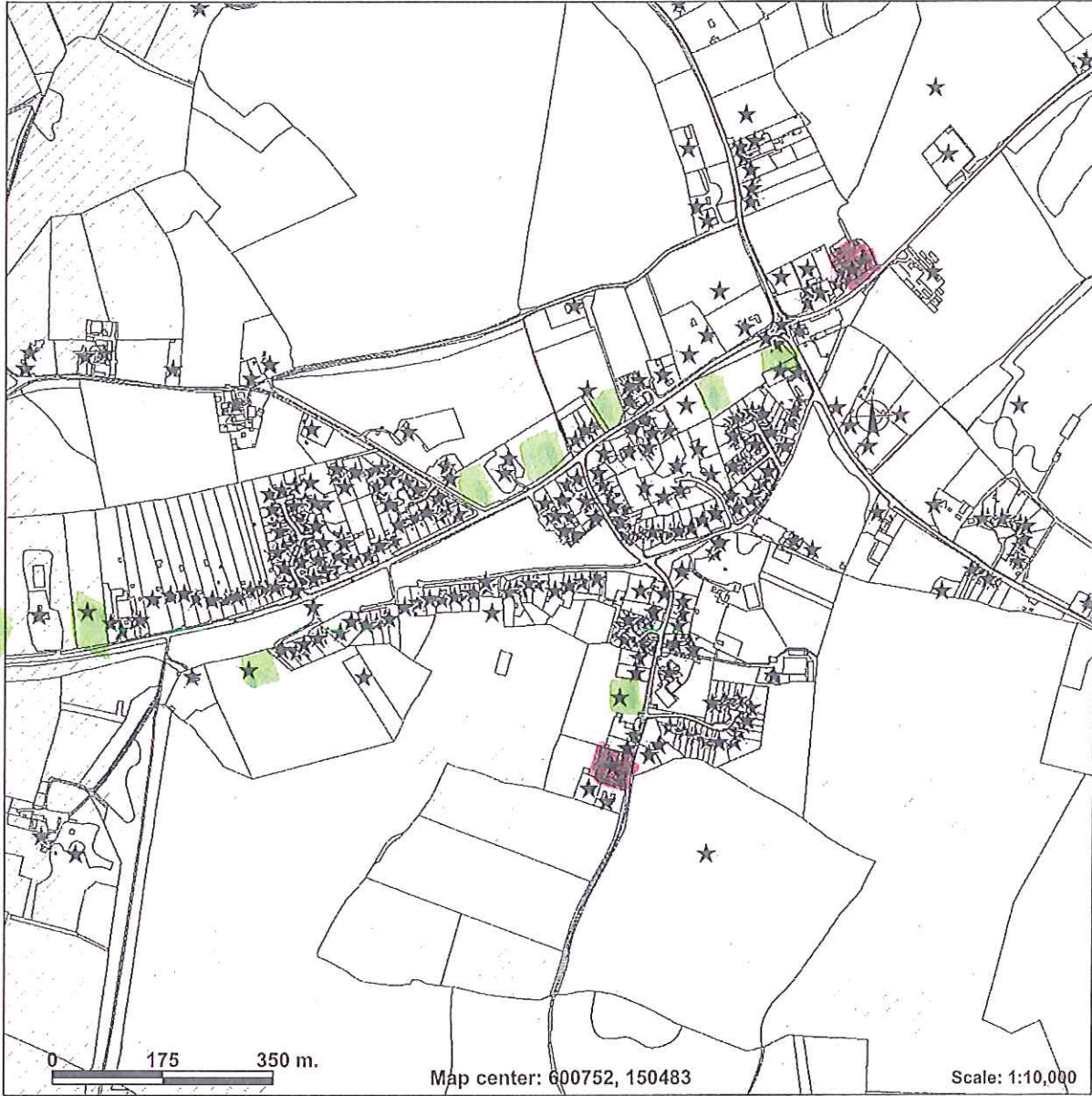
Yours sincerely

A handwritten signature in black ink, appearing to be 'M. [unclear]', written over a horizontal line.

M for Development Control Manager


# ABC Intranet Mapping


Created: 12-Aug-2009 11:09:16



## Legend

- ★ LLPG
- ★ Closed LPs
- ★ AONB
- Conservation Area
- Special Landscape Area
- Listed Building
- Parish
- Ward Boundaries

 - Planning applications for residential development refused and dismissed on appeal

 - Planning application for residential development refused but allowed on appeal.



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# Appeal Decision

Site visit made on 17 March 2008

by **Ray Yorke BA, DipTP, MRTPI, MRICS**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
**1 April 2008**

**Appeal Ref: APP/E2205/A/07/2061570**

**Wood Dene, Canterbury Road, Challock, Ashford, TN25 4BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms D Ashworth & Ms J E Edgar against the decision of Ashford Borough Council.
- The application (Ref /07/01437/AS), dated 30 July 2007, was refused by notice dated 28 September 2007.
- The development proposed is demolition of existing outbuildings and erection of detached dwelling and garage.

**Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.**

## Main issues

1. I consider that the main issues in this case are:-
  - (a) whether the appeal site is an appropriate site for the proposed residential development having regard to the planning policies for the area;
  - (b) the effect of the proposal on the character and appearance of the area which is within an Area of Outstanding Natural Beauty and a Special Landscape Area.

## Planning Policies

2. The development plan for the area includes the Kent & Medway Structure Plan (SP) adopted 2006 and the Ashford Borough Local Plan (LP) adopted 2000. The Secretary of State has issued a Direction which has the effect of saving a considerable number of Policies of the LP. The Council is producing a Local Development Framework and has published a Core Strategy Submission Document dated November 2006 (Core Strategy).
3. The general approach of the SP Policies to which my attention has been drawn is to protect and enhance the environment and achieve a sustainable pattern and form of development (Policy SP1). Protection is given to the countryside (Policy EN1) and to the nationally important landscape of the Kent Downs Area of Outstanding Natural Beauty (AONB) and to the Special Landscape Areas (SLA) (Policies EN4 and EN5). Housing development in the countryside is generally resisted, with exceptions (Policy HP5).
4. LP Policies GP1, GP2, GP12, and EN27 generally take a similar approach to the equivalent SP policies. LP Policy HG7 resists new residential development outside the confines of an existing village, with limited exceptions such as

replacement dwellings. Policy HG6 allows minor development such as infilling within the confines of named villages, including Challock, subject to criteria being met. The supporting text to Policy HG6 explains how the confines of villages are defined. It says among other things that some of the smaller villages are suitable for limited minor development or infilling within the village confines. It also says that individual or small groups of dwellings which do not form part of a substantially built up frontage or group connected to a nucleus of a village and are separated by an undeveloped area of rural character are outside the confines.

5. Core Strategy Policy CS1 stresses the importance of sustainable development and high quality design, and gives protection for the countryside, landscapes and villages. Policy CS7 strictly controls development in the countryside and in AONBs gives priority to the conservation and enhancement of their natural beauty.
6. National planning policy guidance is an important material consideration. My attention has been drawn to PPS1: *Delivering Sustainable Development*, PPS3: *Housing*, and PPS7: *Sustainable Development in Rural Areas*.

### **Reasons for the Decision**

#### **(a) Appropriateness of the site for residential development**

7. In the light of the above policies I will firstly consider whether the appeal site lies within the confines of the village of Challock. The parties have not supplied me with any plan showing defined confines to the village but I have noted the plan attached to the Council's committee report of 31 August 2005. From observation it seems to me that the main core of the village lies to the south west of the roundabout junction of Canterbury Road and Faversham Road/Buck Street (A252 and A251) in the general area of Church Lane and Blind Lane and running south to the primary school and the Kiln Close development. However, the village generally has a spread out nature and it seems to me that there are other areas of existing development outside the main core which can be considered to be within the confines of the village.
8. I have noted the Council's view that the development around the roundabout junction is sporadic and does not form part of the main clusters of development. However it seems to me that there is a considerable concentration of development in this area including the car sales business which contains several buildings and external car sales display areas which are particularly prominent when seen from the junction. To the north of the car dealership is a single storey dwelling fronting Faversham Road and to the east is the steep roofed chalet style dwelling at Woodhaven. To the east of that is the appeal site and other land owned by the appellants including the existing bungalow at Wood Dene and a range of outbuildings.
9. To the south east of the junction is the prominent public house with car park and customer garden including seating areas and children's play equipment. ~~In my opinion, the public house site links visually to the existing development diagonally opposite to the north of Blind Lane and on the west side of Buck Street (A251)~~ without an intervening undeveloped area of rural character. It seems to me that this concentration of development in the vicinity of the

roundabout can reasonably be said to form part of the village and to lie within its confines.

10. I have noted the planning history of the appeal site which is a material consideration. The Council's decision to refuse planning permission in May 2004 for two chalet bungalows to replace the existing bungalow at the appeal site suggests to me that at that stage the Council did not consider that the appeal site lay within the village confines. It seems to me that the Council's decision in June 2007 to grant planning permission for demolition of the existing dwelling and outbuildings and erection of replacement dwelling and garage and construction of new access is not conclusive as to whether the appeal site lies within the confines of the village, as SP Policy HP5 and LP Policy HG7 generally allow the replacement of dwellings in the countryside.
11. However, I consider that my view that the appeal site lies within the confines of the village is given support by the Council's decision to grant planning permission in May 2005 for the demolition of existing sheds, pig sties and yards and construction of new cattery and dog kennels. That site forms an extensive area of the blue edged land within the appellants' ownership at the Wood Dene site. Whilst that proposal is not for residential development and includes the demolition of some existing buildings, it nevertheless comprises a significant amount of built development. Although neither of these two developments granted permission by the Council has yet commenced, both these planning permissions are still extant and could be implemented. If implemented they would increase the amount of built development adjacent to the appeal site.
12. I have had regard to the appeal decisions relating to Coombs Farm, Church Lane, Challock referred to by the appellants and to land at Clockhouse Farm, Canterbury Road, Challock, referred to by the Council, both of which included discussion of the confines of the village. However, it seems to me that the question of whether a particular site is within the village confines is a matter that requires interpretation in each case having regard to the nature of the site and its surroundings. I do not consider that these other appeal decisions set a precedent with regard to the current appeal site.
13. In my view the proposal would constitute minor development or infilling within the confines of Challock and would meet the requirements set out in Policy HG6. It could be easily integrated with the village without the need to substantially improve infrastructure or facilities. The location, in my view, would be within walking or cycling distance of local facilities, the proposal would not result in the displacement of other uses, and would not result in cramming. Furthermore I consider that the design, which would be similar to the design of the dwelling already permitted to replace Wood Dene, would be acceptable. I therefore conclude on this issue that the proposal would comply with LP Policy HG6 and that the site would be an appropriate site for the proposed residential development.

**(b) Effect of the proposal on the character and appearance of the area.**

14. The site is within the AONB and the SLA. These designations wash over the village. The primary objective in AONBs, set out in SP Policy EN4 and

consistent with the guidance in PPS7, is to protect, conserve and enhance landscape character and natural beauty. Development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the area will not be permitted.

15. The appeal site itself currently mostly contains garden land although it also contains some outbuildings and part of the existing dwelling at Wood Dene, which would be demolished in connection with the earlier planning permission. To the rear of the appeal site is an open field crossed by a public footpath.
16. To the east of the appellants' land-ownership is woodland and opposite it is open agricultural land. However, the immediate surroundings of the appeal site contain a significant amount of development referred to above including the unattractive industrial style buildings of the car dealership which are particularly prominent when viewed from the roundabout. The existing two storey dwelling at Woodhaven with attached garage to its front is also prominent when viewed from Canterbury Road, although the existing bungalow at Wood Dene is less so.
17. I also have to bear in mind that the two planning permissions referred to above would result in additional built development to the north and east of the current appeal site. The replacement dwelling for Wood Dene would be larger and taller and more prominent than the bungalow which currently exists. The cattery and kennels buildings and yards and other structures would be extensive, and in my view of a generally utilitarian appearance.
18. There is a range of other existing buildings at the appeal site and on other land within the appellants' ownership. The application the subject of this appeal proposes the demolition of a number of these buildings, which are generally unattractive and in poor condition. I note that some of these buildings had already been identified for demolition in relation to the two previous planning permissions for a replacement dwelling and for a cattery and dog kennels. Whilst the additional buildings now proposed for demolition are not generally visible from Canterbury Road, they are visible from the footpath to the rear of the appeal site. The demolition of these buildings, to my mind, would benefit the character and appearance of the AONB and SLA.
19. PPS1 stresses the importance of good design. The proposed dwelling and garage would be of similar design and size to the replacement dwelling and garage already allowed to replace Wood Dene and would be appropriate for this location, in my view. Having regard to the existing development in the vicinity and the planning permissions already granted but not yet implemented, I do not consider that the appeal proposal would be harmful to the character and appearance of the AONB and SLA.
20. I conclude on this issue that the proposal would not have an adverse effect on the character and appearance of the area and that it would comply with the planning policies referred to above.

### **Conclusion**

21. I have found above that the appeal site lies within the confines of the village of Challock, and is an appropriate site for the proposed residential development.

I have also found that the proposal would not have an adverse effect on the character and appearance of the area. For these reasons and having considered all other matters raised, I conclude that the appeal should be allowed.

### **Conditions**

22. In framing conditions I have had regard to those suggested by the Council and the appellants and to the provisions of Circular 11/95: *The Use of Conditions in Planning Permissions*. In addition to the normal time condition for the commencement of development, conditions relating to approval of materials and landscaping and boundary treatment are necessary in the interests of the appearance of the completed development and its surroundings. As the proposed access has not yet been provided, I shall impose a condition requiring its provision and closure of the existing access in the interests of highway safety. I shall also impose a condition regarding the provision of parking facilities for the same reason. I consider the provision of appropriate sewerage and drainage to be necessary in the interests of amenity. To protect the character and appearance of the AONB and SLA I shall impose a condition to require removal of the buildings shown for demolition in the submitted drawings.

### **Formal Decision**

23. I allow the appeal and grant planning permission for demolition of existing outbuildings and erection of detached dwelling and garage at Wood Dene, Canterbury Road, Challock, Ashford, TN25 4BB in accordance with the terms of the application reference /07/01437/AS dated 30 July 2007 and the plans submitted therewith, subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
  2. No development shall take place until details including samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  3. No development shall take place until full details of both hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the local planning authority. The hard landscape works and boundary treatments shall be carried out in accordance with the approved details prior to the first occupation of the development. The soft landscape works shall be carried out in accordance with the approved details in the first planting season following the first occupation of the development and shall thereafter be maintained to the satisfaction of the local planning authority for a period of five years.

4. No development shall take place until the existing vehicular access to Wood Dene from Canterbury Road has been stopped up and the land reinstated in accordance with details submitted to and approved in writing by the local planning authority and the new shared access has been constructed as shown on the approved drawings.
5. The garage shown on the approved drawings shall be kept available for the parking of vehicles at all times and no development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) or not shall take place in such a position as to prevent vehicular access to that garage.
6. The development shall not be occupied until works for the disposal of sewage and surface water drainage have been provided in accordance with details submitted to and approved in writing by the local planning authority.
7. No development shall take place until the existing outbuildings, hen house, stables, open shed and single garage shown for demolition on the approved plans have been demolished and the materials arising from the demolition removed from the site and the land reinstated to the satisfaction of the local planning authority in writing.

*RJ Yorke*

INSPECTOR