



**Town and Country Planning Act 1990 (As Amended)
Full Statement of Case**

**Land between Appledore Road and Woodchurch Road
Tenterden, Kent**

**ABC Planning Application Reference
21 00790 AS**

**Appeal submitted on behalf of
Wates Developments Limited**

**Statement of Case of
Judith Ashton
Judith Ashton Associates**

6th October 2021

CONTENTS

1.0	Instructions and Introduction	Page 2
2.0	Background to Appeal	Page 4
3.0	The Planning History of the Appeal Site	Page 9
4.0	Description of the Appeal Site and Surrounding Area	Page 13
5.0	The Appeal Scheme	Page 17
6.0	Planning Policy Framework	Page 25
	(i) The Development Plan	
	(ii) Other Material Considerations - National Policy	
	(iii) Other Material Considerations – Local Planning Policy Issues	
7.0	The Appellant’s Case - Reasons Why Planning Permission Should be Granted	Page 28
	(i) The Development Accords with the Development Plan and the Framework	
	(ii) The Development will Provide Much Needed Housing	
	(iii) There is an Overwhelming Need for Affordable Housing	
	(iv) The Development Site is Sustainable / Tenterden is a Sustainable Location	
	(v) The Development will not Result in the Harm Alleged in the Reasons for Refusal	
	(vi) The Development will Deliver a Range of Material Planning Benefits	
	(vii) Consideration of all other aspects of the Appeal scheme and the Planning Balance	
8.0	Third Party Representations	Page 66
9.0	CIL, Planning Obligations and, Planning Conditions	Page 68
	(i) Matters to be dealt with via Planning Obligation	
	(ii) Planning Conditions	
10.0	List of Core Documents	Page 71

1.0 Instructions and Introduction

(i) Instructions

1.1 Judith Ashton Associates are instructed by Wates Developments Limited (“the Appellant”) to prepare and submit an Appeal against the decision of Ashford Borough Council (“the Council”) to refuse its Hybrid Application.

(ii) Introduction

1.2 The Hybrid Application relates to Land between Appledore Road and Woodchurch Road Tenterden, Kent, and comprises:

‘a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian, and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children’s play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)

And

b) Full planning permission for the change of land use from agricultural land to land to be used as a Countryside Open Space¹, (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping

1.3 This Statement comprises the Appellant’s Full Statement of Case in accordance with Rule 6 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 (SI 2000/1624) and the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (SI 2000/1625) as amended².

1.4 Furthermore this Statement has been prepared having regard to the Planning Inspectorate’s most recent Procedural Guidance (November 2020) specifically Annexe J.

1.5 It should be noted that whilst this Statement sets out the Appellant’s Full Statement of Case at the time of lodging the Appeal, the Appellant reserves the right to add to or amend its case in the light of receiving the Council’s Statement of Case in due course.

1.6 This Statement has been prepared with technical input from the following members of the Appellant’s professional project team:

- | | |
|-----------------------|--------------------------|
| • Planning | Judith Ashton Associates |
| • Housing Land Supply | Lichfields |
| • Design | Re-Format LLP |
| • Landscape | SLR |
| • Ecology | Ecology Solutions |
| • Built Heritage | Pegasus Heritage |

¹ In post submission discussions with the Council we looked to amend the description from Country Park to Countryside Open Space. They have not acknowledged this change, but throughout this document we now refer to the Country Park as a Countryside Open Space

² Amended by SI 2009/455, SI 2013/2137 (specifically in relation to appeals recovered for determination by the Secretary of State) and SI 2015/316

STATEMENT OF CASE

- Archaeology and Historic Landscape RPS
- Transport iTransport
- Flood Risk and Drainage RSK
- Arboriculture Simon Jones Associates Limited
- Sports Provision Consult QRD

2.0 Background to Appeal

a) The Determination Process

2.1 This appeal arises from the refusal by the Council of the Appellant's Hybrid Application - 21/00790/AS for:

'a) Outline application for the development of up to 145 residential dwellings (50% affordable) including the creation of access points from Appledore Road (1 x all modes and 1 x emergency, pedestrian, and cycle only) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchard, sustainable drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access) And

b) Full planning permission for the change of land use from agricultural land to land to be used as a Countryside Open Space, (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping

was submitted to ABC on the 30 April 2021, and registered as valid on the 14 May 2021

2.3 The appeal scheme was prepared to address the reasons for refusal cited in respect of Wates earlier application for up to 250 dwellings on this site and with 2 points of access (all modes) off Appledore Road. A detailed peer review, involving new landscape, ecology, and heritage consultants, reviewed the former scheme, and worked with both the original architect and then Re Format to draw up the new application; which whilst encompassing the same benefits, has seen a significant reduction in the overall scale of housing development proposed on the site. The proposed changes to the appeal scheme, including the reduction in unit numbers; the reconfiguration of the development parcels; and the changes to the accessing arrangements address the landscape and townscape setting issues, as well as the tree loss and impact on the character of Tenterden Conservation area/ the character and appearance of the surrounding area raised in connection with the former application. Likewise, the proposed changes to the application scheme look to improve on the privacy and amenity of future residents, the biodiversity impacts of the development and the implementation of the ecological mitigation measures.

2.4 In the context of the above, it should be note that during the determination of the previous application only Tenterden Town Council, ABC Cultural Services officer, ABC tree officer and KCC Ecology, opposed the development. During the consultation on the appeal scheme, we note that the above have retained their opposition, albeit for materially different reasons in some instances, and that further opposition has now been raised from KCC Drainage

Table 1: Summary of Statutory Consultee Responses

Consultee	Response
ABC housing officer	No Objection
ABC refuse officer	No Objection
ABC economic development officer	No Objection subject to conditions
ABC - Environmental Protection officer	No Objection subject to conditions
ABC tree officer	Objection – materially different from previous scheme
ABC Cultural Services officer	Objection – materially different from previous scheme
Ashford Access Group	No Objection
KCC footpaths officer	No Objection subject to conditions
KCC Highways	No Objection subject to conditions and S278
KCC Flood and Water Management	Objection – previously no objection

STATEMENT OF CASE

KCC Heritage	No Objection subject to conditions
KCC minerals	No Objection
KCC Ecology	Object – materially different from previous scheme
KCC Economic Development	No Objection subject to S106
Southern Water	No Objection subject to conditions
EA	No Objection subject to conditions
Sport England	No Objection subject to conditions and S106
Tenterden Town Council	Object
High Weald Joint Advisory Committee.	No Objection
NE	No Objection
Kent Police ALO	No Objection
Kent Fire and rescue services	No Objection
UK Power Networks:	No Objection
GTT - Asset Network Plans:	No Objection
Scotia Gas Network:	No Objection

2.5 This statement addresses the reasons for refusal cited in the councils second decision letter dated 27 September 2021, in section 7. We note a number of the issues raised by Tenterden Town Council are not issues raised by ABC. These will be addressed in the SoCG/ the appellants proofs of evidence.

b) The Appeal Drawings

- 2.6 The appeal drawings for determination comprise:
- 21037- RFT - 00 - 00 - DR - A – 0100 rev P02 - Site Location Plan
 - 403.06269.00058.landscape1 Rev 1 Landscape masterplan for the whole development³
 - 403.06269.00058.landscape2 Rev 1 Landscape masterplan for the country park and sports facilities⁴
 - 403.06269.00058.landscape3 Landscape masterplan for the pavilion area⁵
 - 403.06269.00058.landscape4 Landscape masterplan for the orchard
 - TGMS1044.18-1 rev 8 Proposed and Existing Levels – Fields F10 and F14
 - TGMS 1044.18-3 Formation Isopachytes (see Appendix 5 of Sports Facilities Supporting Statement)
 - 7657 03 01 rev D Block Plan - Proposed Clubhouse Building - Land at Appledore Road Tenterden
 - 7657 03 02 rev F Floor Plan - Proposed Clubhouse Building - Land at Appledore Road Tenterden
 - 7657 03 03 rev F Elevations - Proposed Clubhouse Building - Land at Appledore Road Tenterden

³ Whilst the decision notice of the 27 Sept does not reference rev 1 this was submitted during the course of the determination process and is the basis upon which the appeal is being progressed. We hope to agree this with ABC through the SoCG

⁴ Whilst the decision notice of the 27 Sept does not reference rev 1 this was submitted during the course of the determination process and is the basis upon which the appeal is being progressed. We hope to agree this with ABC through the SoCG

⁵ Whilst the decision notice of the 27 Sept does not reference this drawing it was part of the submission documents and we hope to agree this with ABC through the SoCG

STATEMENT OF CASE

ITL9289-GA-100 ⁶	Proposed site access arrangement, pedestrian, cycle, and emergency access at land adjacent to number 13 Appledore Road
ITL9289-GA-102	Proposed site access arrangement, school land
ITL9289-GA-105	Appledore Road, proposed extension of 30mph speed limit and location of traffic calming measures
ITL9289-GA-106	Appledore Road, proposed extension of 30mph speed limit and location of traffic calming measures (Detail 1 of 3)
ITL9289-GA-107	Appledore Road, proposed extension of 30mph speed limit and location of traffic calming measures (Detail 2 of 3)
ITL9289-GA-108	Appledore Road, proposed extension of 30mph speed limit and location of traffic calming measures (Detail 3 of 3)
ITL9289-GA-113	Proposed site access arrangement, pedestrian, and cycle access from Woodchurch Road
ITL9289-GA-114	Proposed internal street design towards sport pitches
RSK-C-ALL-05-03-01 ⁷ (Sheet 1 of 2)	Proposed Surface Water General Arrangement
RSK-C-ALL-05-03-02 (Sheet 1 of 2)	Proposed Surface Water General Arrangement
RSK-C-ALL-05-05-01	Proposed SuDS Features & Overland Flow Routes
RSK-C-ALL-05-07-01	Critical Hydrological Features
RSK-C-ALL-01-02-01	Existing ditch, ponds & drainage features
RSK-C-ALL-01-03-01	Existing Overland Flow Routes and Catchment Areas

- 2.7 The following drawings are provided for information purposes only
 21037 - RFT- 00 – 00 - DR - A – 0121_S2 rev P08 – Site Plan⁸
 21037 - RFT - 00 - ZZ - DR - A – 2500 rev P03 – Landscape Area Plan

403.06269.00058.landscape5 Play area landscape detail

ITL9289-GA-101	Proposed site access arrangement, land adjacent to number 13 Appledore Road Swept path analysis – pumping appliance
ITL9289-GA-103	Proposed site access arrangement, school land Swept path analysis – large refuse vehicle
ITL9289-GA-104	Proposed site access arrangement, school land Swept path analysis – pumping appliance
ITL9289-GA-109	Entry / exit existing driveways on Appledore Road (Plan 1 of 4)
ITL9289-GA-110	Entry / exit existing driveways on Appledore Road (Plan 2 of 4)
ITL9289-GA-111	Entry / exit existing driveways on Appledore Road (Plan 3 of 4)
ITL9289-GA-112	Entry / exit existing driveways on Appledore Road (Plan 4 of 4)
ITL9289-GA-115	Proposed internal street design towards sport pitches, forward and junction visibility
ITL9289-GA-116	Limit of highway to be offered for adoption

⁶ All highway plans are contained within the TA

⁷ All drainage plans are contained within the FRA

⁸ Whilst the decision notice of the 27 Sept does not reference rev P08 this was submitted during the course of the determination process and is the basis upon which the appeal is being progressed. We hope to agree this with ABC through the SoCG

STATEMENT OF CASE

ITL9289-GA-117	Proposed internal street design towards sport pitches Swept path analysis – large refuse vehicle
ITL9289-GA-118	Proposed internal street design towards sport pitches Swept path analysis – fire tender
ITL9289-GA-119	Site layout swept path analysis – large refuse vehicle
ITL9289-GA-120	Site layout swept path analysis – fire tender
RSK-C-ALL-05-04-01rev P04	Proposed Foul Water General Arrangement

Environmental Impact Assessment

- 2.8 Ashford Borough Council (ABC) confirmed following an application for a screening opinion, in August 2019 that whilst the then proposals for the development of up application site for up to 250 residential dwellings (40% affordable) etc, comprised an infrastructure project falling within category 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and exceeded the thresholds in column 2 of the table in the Schedule, for the reasons set out in their letter of 23rd August 2019 an Environmental Impact Assessment was not required.
- 2.9 In their detailed letter of the 23rd August 2019 ABC also confirmed:
‘The size and design of the whole development in this location adjoining the existing built up area of Tenterden is not likely to have significant effects on the environment to require an EIA’
‘It is considered the proposals in cumulation with other existing development and/or approved development will not result in significant effects on the environment to require an EIA’
‘The proposals are not likely to have significant effects on the environment through the use of natural resources, in particular land, soil, water and biodiversity to require an EIA.’
‘The proposals are not likely to have significant effects on the environment through the production of waste.’
‘The construction of and proposed permanent uses for residential purposes, open space, a country park and formal sports area will not have a significant effect on the environment by virtue of pollution and nuisances to require an EIA.’
‘The proposals will not result in significant effects on the environment through the risk of major accidents, and/or disasters relevant the development concerned including those caused by Climate Change, in accordance with scientific knowledge’
‘The nature of the proposals for residential use, open space, country park and formal sports pitches are not likely to result in significant effects on the environment in terms of risk to human health (for example, due to water contamination or air pollution)’
‘the characteristics and location of development and types of characteristics of the potential impact of development outlined in schedule 3 of the EIA regulations are not likely to have significant effects on the environmental by virtue of factors such as size, nature and location. The proposed development is therefore not environmental impact assessment development and therefore an environmental impact assessment is not required’
- 2.11 This decision has, following an application for separate determination by a third party, been tested with the Secretary of State who agreed by notice dated 30 October 2019 that an EIA was not required. The conclusion set out in the notice being:
‘Overall, the Secretary of state is not persuaded that the potential cumulative impacts and potential effects on flood risk, contamination, sensitive and heritage sites and transport and emissions, are of sufficient magnitude to suggest that an environmental statement is required. He considers that relevant information can be set out in suitable assessments submitted with any future planning application.’

STATEMENT OF CASE

- 2.12 As the quantum of development proposed by the appeal scheme is significantly less and that screened, and as there has been no material change in planning circumstances at the local level, we do not believe an Environmental Impact Assessment is required for the appeal scheme and invite Inspectorate to undertake a screening opinion as part of the determination process.

3.0 The Planning History of the Appeal Site

- 3.1 Whilst it is noted that permission was refused to develop part of the site⁹ so as to accommodate 124 dwellings and garages with access from Appledore Road, in 1987 (87/00259/AS refers), and this was dismissed at appeal, as this was over 30 years ago its relevance and the weight to be attributed to it is in our opinion extremely limited as the planning policy situation at both national and local level has changed significantly in the interim period. The current appeal is in addition materially different to that appealed in the 1980's. Nonetheless the Landscape and Visual Assessment and Heritage Statement submitted with the appeal scheme (CD 1.12 and 1.16) comment upon the findings of the Inspector's decision letter and how this appeal scheme seeks to address the issues raised.
- 3.2 In addition, we note that there are currently a number of outstanding applications, allocations and planning permissions in the local area that have been taken into consideration in considering the cumulative impacts of development, including:
- Consent for 100 dwellings at land south and east of Tilden Gill Road - 14/01420/AS which is now being built out by Redrow Homes;
 - Consent for 250 dwellings on land south west of Recreation Ground Road and north and east of, Smallhythe Road, Tenterden - 14/00757/AS - Tent 1A, which is currently being built out by Taylor Wimpey and Dandara;
 - Outline Consent for 30 dwellings on land at Pope House Farm St Michaels- 18/00759/AS refers; and
 - The allocation of land to provide for 225 units on land known as Tent 1B.
- 3.3 Of most relevance however is application 19/01788/AS, which was a Hybrid Application that comprised:
- 'a) Outline application for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road (all modes) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access)*
- b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable urban drainage systems and associated landscaping'*
- 3.4 Said application was refused by notice dated the 23 September 2020 for the following reasons:
1. *The proposal would be contrary to policies SP1 and SP2 of the adopted Ashford Local Plan 2030. The application proposal would significantly increase the number of dwellings to be provided in Tenterden considered alongside the existing residential allocations and commitments referred to in the adopted Ashford Local Plan 2030. The scale of development that is proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the carefully considered and independently-examined and accepted approach to the sustainable distribution of housing development across the borough to 2030.*
 2. *The proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the adopted Ashford Local Plan 2030 in that the proposals would involve a large scale, intensive residential development on undeveloped land forming part of a strongly rural edge that, in its*

⁹ Fields F1, 3 and 4

undeveloped state, contributes positively to the landscape setting of the south-east side of Tenterden. The proposals would not sit sympathetically within the wider landscape, preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area.

3 The proposed western site access would result in the loss of two mature trees located on Appledore Road within and at the entrance to the Tenterden Conservation Area. These trees are a component part of the visual character of Appledore Road as it enters Tenterden and their loss would be detrimental to the character of Appledore Road and harmful to the character of the conservation area, contrary to policies ENV14, SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.

4 The proposed eastern site access would result in the loss of a mature tree located along the Appledore Road. The tree forms a component part of the visual character of the street and its loss would be detrimental to the character of the area contrary to policies SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.

5 The supporting documents with the application fail to satisfactorily evidence that the quantum of residential development for which permission is sought could be realistically delivered on the site in the area shown in a manner that would ensure that (i) occupiers would be provided with acceptable minimum levels of amenity and privacy and (ii) sufficient space would be available for policy TRA3(a) compliant levels of car parking provision distributed spatially in a manner that would achieve its sensitive integration as part of high quality place-making. The proposal would therefore be contrary to policies SP1 and SP6 of the Ashford Local Plan.

6 The proposals would not preserve or enhance biodiversity as it is considered the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the quantum of development for which permission is sought. The application would be likely to result in a loss to biodiversity contrary to policies HOU5 (e) and (f vi) and ENV1 of the adopted Ashford Local Plan 2030.

7 Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities to be supported by a clear governance arrangement. It is not clear from the application what the Land Trust's expertise is in managing sporting facilities similar to those which are proposed and how the local community would benefit from the facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of policy IMP4 of the adopted Ashford Local Plan 2030.

8 In the absence of unilateral undertaking (UU) the proposal fails to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and therefore the proposal is contrary to policies IMP1 and HOU1 of the Ashford Local Plan 2030

3.5 The appeal scheme was submitted in an attempt to address the reasons for refusal cited in the determination of application 19/01788/AS. As will be demonstrated later in this statement Ashford Borough Council have, during their consideration of the appeal scheme, sought to introduce new and in instances contradictory concerns to those expressed in the determination of application 19/01788/AS, despite the appeal scheme being for a reduced level of development. The council's position in this regard was crystallised in the committee report of the 15 September 2021 which led the members of the planning committee to resolve to refuse the appeal scheme for the following reasons:

i. The proposal would be contrary to policies SP1 and SP2 of the adopted Ashford Local Plan 2030. The application proposal would significantly increase the number of dwellings to be provided in Tenterden considered alongside the existing residential allocations and commitments referred to in the adopted Ashford Local Plan 2030. The scale of

development that is proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the carefully considered and independently-examined and accepted approach to the sustainable distribution of housing development across the Borough to 2030.

- ii. *The proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the adopted Ashford Local Plan 2030 in that the proposals would involve a large scale, intensive residential development on undeveloped land forming part of a strongly rural edge that, in its undeveloped state, contributes positively to the landscape setting of the south-east side of Tenterden. The proposals by virtue of their scale, form and intensity would not sit sympathetically within the wider landscape, preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area.*

- iii. *The proposed main vehicular site access would result in the loss of a Mature Horse chestnut tree located along the Appledore Road. The tree forms a component part of the visual character of the street and its loss would be detrimental to the character of the area habitat contrary to policies SP1, SP6 and ENV3 of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework Guidance. It is not considered that this detrimental impact can be adequately mitigated*

- iv. *The proposals in their current form would have a detrimental impact on the following important trees within the site.*
 - a. *T381 Ancient Field Maple. A new football pitch is proposed within its offset Buffer Zone and an incursion within its Root Protection area. The Root Protection Area and buffer zone plotting of the tree described in the application is not accepted. The associated works required for the football pitch would result a deterioration and possible loss of this ancient tree.*
 - b. *T312 veteran oak tree. The development area lies too close and does not reflect the rooting morphology of the veteran tree. The Root Protection Area and buffer zone plotting of the tree described in the application is not accepted. The proposals would result in the deterioration and possible loss of this to the veteran tree.*
 - c. *T313 Oak. The proposed SUDs features appear to run through the Root Protection area of the tree subject to a preservation order. Insufficient detail and analysis of the impact of this feature has been provided and the construction of the SUDs will likely be detrimental to the protected tree.*
The deterioration and possible loss of T381, T312 and T313 would amount to a deterioration of an irreplaceable habitat and harm to the visual character of the area contrary to policies SP1, SP6 and ENV3 of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework Guidance para 180 (c).

- v. *The proposals would not preserve or enhance biodiversity as it is considered the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the scale of development for which permission is sought. The application is likely to result in loss and harm to biodiversity interests on the site contrary to policies HOU5 (e) and (f) (vi) and ENV1 of the adopted Ashford Local Plan 2030.*

- vi. *Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities to be supported by a clear governance strategy which will need to be agreed with the Council. This strategy will need to set out what facilities are to be delivered and by when, and how they will be managed over time to an acceptable standard. The proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the*

STATEMENT OF CASE

sport, community and open space facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of Policy IMP4 of the adopted Ashford Local Plan 2030.

- vii. The proposals are contrary to Policy ENV6 of adopted Ashford local Plan advice in the National Planning Policy Framework Guidance as they have not demonstrated they contribute to an overall flood risk reduction, that the site itself would not be at an unacceptable risk of flooding and that there would be no increase in flood risk elsewhere. It has also not be shown that the flood risk mitigation measures would have any no adverse spatial implications for the development proposals in terms of delivering the scale and type of development proposed.*
- viii. An Order has been made to record a new footpath AB70 within site that is subject a forthcoming Planning Inquiry. The proposals fail to show the impact of the scheme on the AB70 footpath within the site or any acceptable diversion to it, if is approved by the Secretary of State. The AB70 footpath would clearly have a significant impact on the spatial layout of the development that is proposed and change the dynamic of the footpath experience itself to that of passing through a built up residential area rather than a series of fields as at present. The proposals are therefore contrary to policies SP1 and TRA5 of adopted Ashford Local Plan 2030 and National Planning Policy Framework Guidance advice. The proposal fails to consider or acceptably incorporate the AB70 footpath within the scheme. It therefore does not demonstrate how safe and accessible pedestrian access and movement routes will be delivered and connect to the wider movement network and proactively, looks to connect with and enhance public rights of way whenever possible, encouraging journeys by foot.*
- ix. In the absence of a unilateral undertaking, the proposal fails to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development, and self- and custom-built development and accessibility standards, and, therefore, the proposal is contrary to Policies IMP1, HOU1, HOU6 and HOU14 of the Ashford Local Plan 2030*

3.6 A formal decision notice was issued on the 22 September 2021, with an updated decision notice issued on the 27 September 2021 to address some typographical errors. This statement is based upon the reasons for refusal cited in the second decision notice

3.7 There are in addition a number of recent appeals in the local area / within Ashford Borough which are in the appellants opinion relevant to this case, including:

Wye College	APP/E2205/W20/3259450, APP/E2205/W20/3259462 and APP/E2205/W20/3259465
Land at Smallhythe Road See CD 6.8 and 6.9	APP/E2205/W/20/3252031

4.0 Description of the Appeal Site and Surrounding Area

- 4.1 The Appeal site is situated to the north of Appledore Road and south of Woodchurch Road, to the north east of Tenterden. Residential development physically adjoins the western and southern boundaries of the site. To the north of the appeal site on the opposite (northern) side of Woodchurch Road is the Knock Wood Local Wildlife site (LWS) comprising of broadleaved woodland, whilst to the east of the site is open countryside. A site location plan and further details on the site context are contained in the Planning Application Pack included within Core Document File 1 – see in particular CD 1.2 and 1.27
- 4.2 The Appeal site extends to 24.45ha (60.41 acres) and comprises 14 parcels of land (Fields F1 – F14).

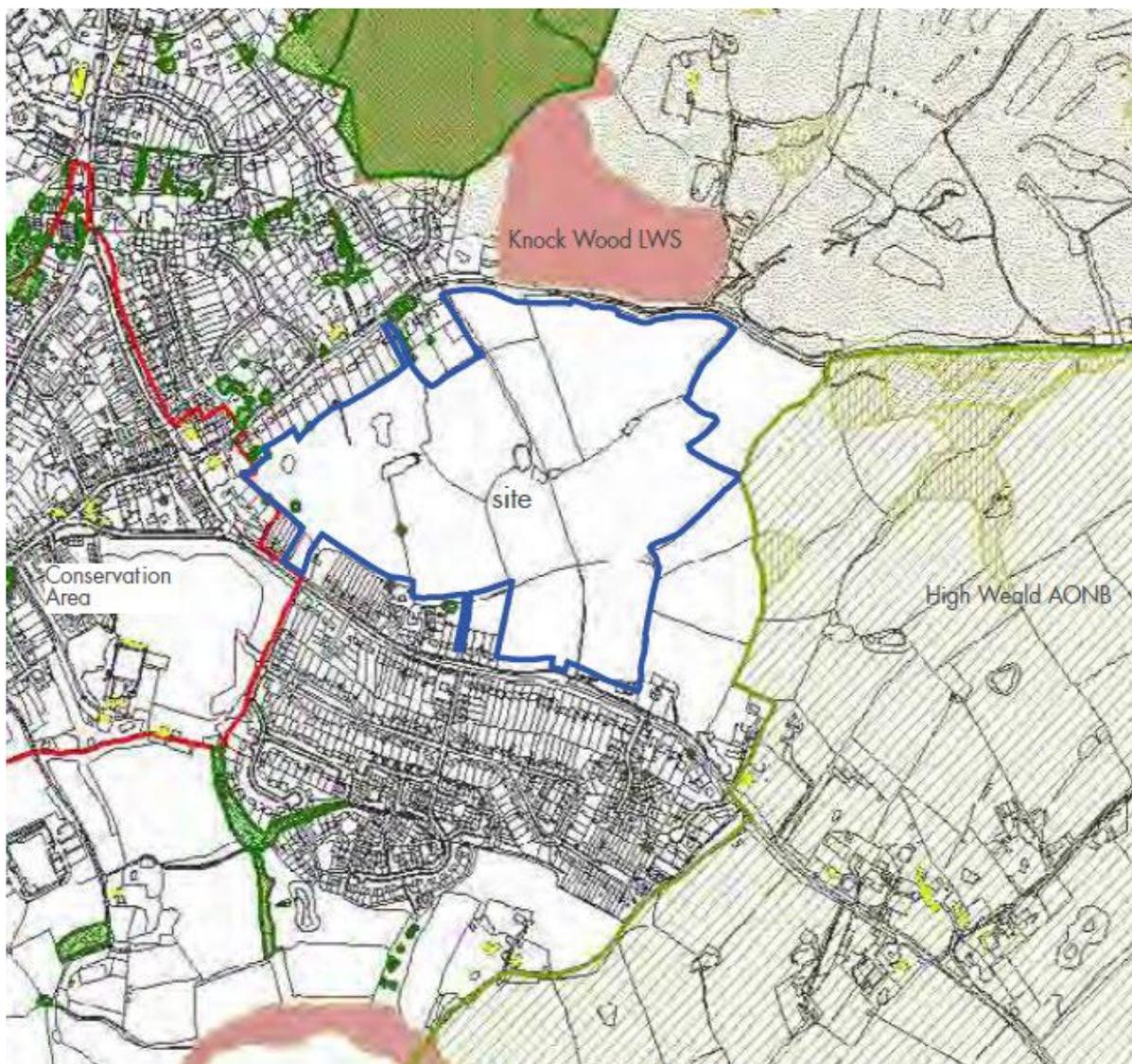


- 4.3 As set out in the Landscape and Visual Appraisal that accompanied the planning application and is included within the Planning Application Pack included with the Appeal submission, some of these fields are used for occasional grazing, and one is currently a sports pitch. The field boundaries are generally enclosed by trees and hedgerow. Some trees within the site are subject of Tree Preservation Orders. A Public Right of Way (PROW) AB12 bisects the appeal site running from Appledore Road at the southern edge of the site to Woodchurch Road at the northern edge of the site.
- 4.4 The landform of the appeal site is, as set out in the Landscape and Visual Appraisal, roughly bisected by a ridge of higher ground rising to around 63m AOD, which runs north-south just to the east of the PROW. To the west of the ridge (fields F1- F10) the land slopes down into a bowl towards the edge of Tenterden with the upper and northern slopes (F3 & F6) generally steeper, gradually becoming shallower towards the bowl bottom which lies towards the southern edge in F4, F5 & F7. Fields F13 & F14 are relatively flat although sloping gently to

STATEMENT OF CASE

the south-west. The land along the south-western edge lies at around 49.5mAOD. The western part of the site also slopes towards a central valley marked by ponds and an ephemeral watercourse.

- 4.5 The lowest lying point of the appeal site is the north-east corner of F11 on Woodchurch Road, which lies at around 43.5mAOD sloping down steeply from the north-south ridge. Fields F11 & F12 slope eastwards. The eastern boundary lies roughly at around 53m AOD and overlooks the Low Weald to the east. The land falls away steeply from the eastern site boundary.
- 4.6 The appeal site boundaries are all clearly defined and defensible, and the site itself is remarkably well contained.
- 4.7 The appeal site is not located within a Conservation Area or an Area of Outstanding Natural Beauty. Albeit it is noted that the Tenterden Conservation Area abuts the site to the south west, and the AONB abuts the site on the eastern edge of field F12.



The Surrounding Area

- 4.8 Given the appeal sites location on the north eastern edge of Tenterden both the site and surrounding area are influenced by the town. In this respect the immediate area is predominantly residential in nature to the north, south and west, and rural in nature to east. The residential properties to the north, south and west comprise a variety of different house types, ages, and styles, albeit the majority are 2 or 2½ storeys in height.
- 4.9 As set out in the Transport Assessment (TA) that accompanied the application and is included within the Planning Application Pack included with the Appeal submission, the appeal site is located within close proximity of a number of services and facilities, with Tenterden town centre being home to circa 100 retail stores, restaurants, cafes, banks, hairdressers, a medical centre and a dentist. The appeal site is surrounded by a well-maintained pedestrian network providing easy access to the town centre which is within easy walking and cycling distance of the site. Some of the facilities found in the town centre and elsewhere in Tenterden are set out in the table below.

Table 2- iTransport - access to facilities

Purpose	Destination	Distance	Walking	Cycling
Community and Leisure	Tenterden Recreation Ground	750 m	✓✓✓	✓✓✓
	Trinity Baptist Church	750 m	✓✓✓	✓✓✓
	St Andrew's Catholic Church	800 m	✓✓✓	✓✓✓
	Tenterden Leisure Centre	1,000 m	✓✓	✓✓
	The Sinden Theatre	850 m	✓✓	✓✓
	Saint Mildred's Church	1000 m	✓✓	✓✓
	Tenterden Town Station	1,300 m	✓✓	✓✓
	Tenterden Museum	1,200 m	✓✓	✓✓
	Tenterden Library	1,100 m	✓✓	✓✓
	Shrubcote Stores	350m	✓✓✓	✓✓✓
Retail	Tenterden Town Retail Area (edge of)	650 m	✓✓✓	✓✓✓
	Waitrose Supermarket	900 m	✓✓	✓✓
	Tenterden Post Office	1,100 m	✓✓	✓✓
	Tesco Supermarket	1,200 m	✓✓	✓✓
	Boots	750 m	✓✓✓	✓✓✓
	M&Co	750 m	✓✓✓	✓✓✓
	WHSmith	800 m	✓✓✓	✓✓✓
	Holland and Barratt	800 m	✓✓✓	✓✓✓
	Santander Bank	900 m	✓✓	✓✓
	Nationwide Building Society	900 m	✓✓	✓✓
	Waterstones	950 m	✓✓	✓✓
	Vision Express	1,000 m	✓✓	✓✓
	This Ancient Boro Alehouse and Tapas Bar	700 m	✓✓✓	✓✓✓
	Café Nero	750 m	✓✓✓	✓✓✓
	White Lion Pub and Hotel	900 m	✓✓	✓✓
The Lemon Tree Restaurant	900 m	✓✓	✓✓	

STATEMENT OF CASE

Purpose	Destination	Distance	Walking	Cycling
Education	Hook & Hook Restaurant	900 m	✓✓	✓✓
	Tenterden C of E Junior School	900 m	✓✓	✓✓
	Tenterden Infant School	1,000 m	✓✓	✓✓
	Homewood School and Sixth Form Centre	800 m	✓✓✓	✓✓✓
Health	Ivy Court Surgery	850 m	✓✓	✓✓
	Boots Pharmacy	750 m	✓✓✓	✓✓✓
	Easysmile Dental Care	750 m	✓✓✓	✓✓✓
	Paydens Pharmacy	1,000 m	✓✓	✓✓
Employment	Tenterden Town Centre (centre of High Street)	850 m	✓✓	✓✓
Transport	Woodchurch Road bus stop	250 m	✓✓✓	✓✓✓
	Ashford Road bus stop	800 m	✓✓✓	✓✓✓
	Tenterden High Street bus stop	1,000 m	✓✓	✓✓

Key:

✓✓✓
✓✓

Within Manual for Streets 'walkable neighbourhood' 800m distance

Within 1600m (1 mile), i.e. within a distance where 80% of journeys are on foot)

Notes:

Approximate journey times are rounded up. Shortest distance permissible by each travel mode. Distances all measured from closest site access point. Walking time based on 1.4m/s and cycling time based on 4.1m/s.

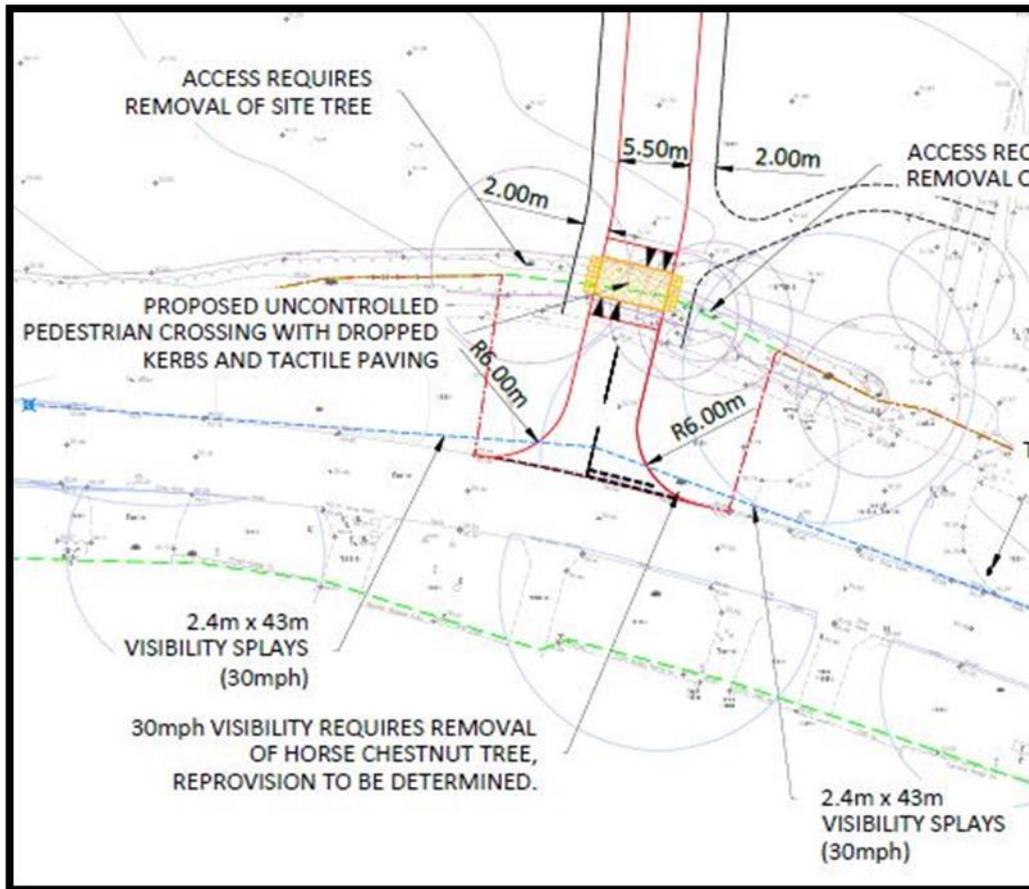
- 4.10 The TA also confirms that the nearest bus stops on Woodchurch Road are located within a short walk from the site - circa 250m from the proposed site access adjacent to No. 13 Appledore Road. These are served by bus route 2A with a two-hourly service to Ashford plus other "occasional" services provided by route HS2, AS2, and the Tenterden Hopper. Additional bus services can be accessed from Appledore Road, just 150m from the same site access (bus routes 293 and 297), whilst the same site access is located 800m from the bus stops served by route 12 (with a twice an hour frequency) on Ashford Road (south of the junction with Beacon Oak Road). In addition, the bus stops on Tenterden High Street are located approximately 1km from the proposed site access on Appledore Road and provide access to routes 2, 2A, 12, 292, 293, 297, 299, 312 and the Tenterden Hopper. Thus, there is access to regular services to Ashford, Maidstone, Tunbridge Wells and Hastings and intervening villages.
- 4.11 The TA also explains that the nearest rail station to the site is Ashford International station, located some 14.5km north of the site, and accessible via bus service No. 2A; and Headcorn railway station, located circa 14.2km north west of the site, and accessible via bus service No. 12. Regular rail services operate from both stations and provide high speed rail links to other areas of Kent and London.

5.0 The Appeal Scheme

- 5.1 The Appeal scheme is described in detail in the Application documents that form part of the Appeal pack, in particular within the Planning Statement, Landscape and Visual Appraisal and Design and Access Statement.
- 5.2 In summary the Appeal scheme comprises a Hybrid Application involving both outline and full planning proposals. The outline part of the Appeal scheme (matters of appearance, landscaping, layout, and scale reserved for future consideration with access detail for approval at this stage), relates to the western part of the site and comprises:
- (i) Up to 145 residential dwellings with 50% being affordable, and the creation of a network of roads, footways, and cycleways through the site. The developable area set aside for new housing amounts to approximately 5.41 hectares.
 - (ii) Provision of play areas, open spaces, sustainable drainage systems, landscape buffers and green links.
- 5.3 The full part of the Appeal Scheme relates to the eastern portion of the site and comprises:
- (i) The change of land use from agricultural land to land to be used as a Countryside Open Space (8.66 ha in extent).
 - (ii) Land to be used as formal sports pitches (3.33 ha in extent), together with a new pavilion building to serve the pitches. Including accesses, ancillary parking, pathways, sustainable drainage systems and associated landscaping.
- 5.4 Two points of access are proposed onto Appledore Road, 1 x all modes and 1 x emergency, pedestrian, and cycle only, with a single pedestrian/cycle access only onto Woodchurch Road. In addition, the Appeal scheme provides for speed reduction and traffic calming measures along Appledore Road.
- 5.5 Taking each element in turn, and starting with the detailed component we would like to highlight the following:

Access

- 5.6 With regard to the detailed matter of access, the Appellant's highway consultant has prepared a TA which provides the details of the proposed access arrangements. In simple terms, there is a single point of access for all modes proposed to the east of field F13, near to the existing sport pitch. This has been designed as a simple priority junction and is shown on drawing ITL9289-GA-102. An extract is provided below. The site access includes a 5.5m wide carriageway, 6m radii with Appledore Road and 2m wide footways on either side to tie in with the existing footpath along Appledore Road.



- 5.7 Visibility splays have been shown for a 30mph speed, at a 2.4m setback by 43m along the kerb line, in line with Manual for Streets guidance. These visibility distances require a speed reduction along Appledore Road, from the existing 40mph to 30mph, the details of which are set out below. In order to accommodate this access one of the horse chestnut trees (T43) situated along Appledore Road is to be removed and compensatory planting provided, the principle of which has been agreed with KCC and is set out in the Arboricultural Implications Report (AIR).

The Speed Reduction and Traffic Calming Measures along Appledore Road

- 5.8 It is proposed to extend the length of the 30mph limit on Appledore Road from its current location some 30m from the junction with East Hill, to the junction with William Judge Close and to introduce traffic calming measures (designed to respect existing residential driveways), that have been agreed in principle with KCC that would provide for:
- A one-way priority shuttle working (located east of the junction with East Hill) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards and signage;
 - A one-way priority shuttle working (located east of the Shrubcote (West) junction) with westbound traffic ceding priority to eastbound movements. Again, this would include associated build out, road markings, reflective bollards and;
 - The central section of Appledore Road as detailed in drawing ITL9289-GA-107 includes a single zebra crossing (located west of Limes Close) with drop kerbs and tactile paving;
 - A one-way priority shuttle working (located west of the proposed site's vehicular access) with eastbound traffic ceding priority to westbound movements. This includes associated build out, road markings, reflective bollards and signage;

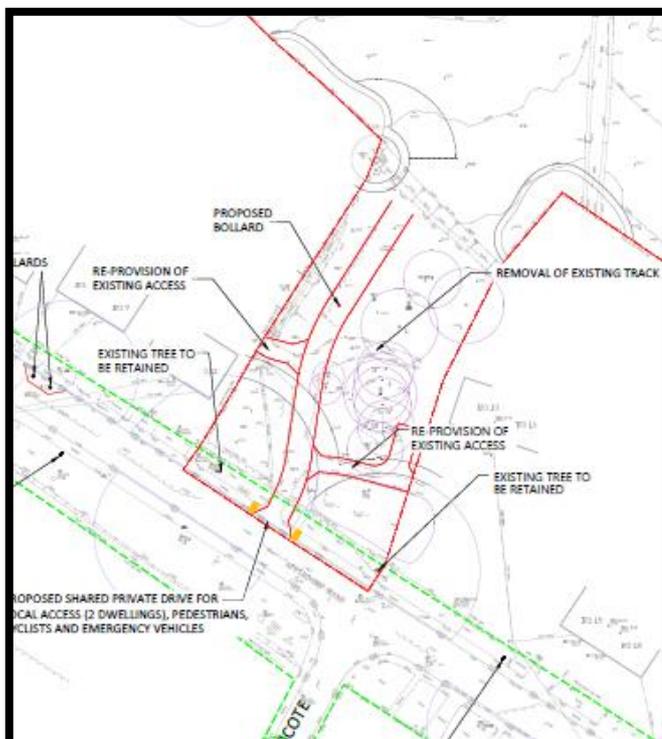
STATEMENT OF CASE

- A one-way priority shuttle working (located east of the proposed site's vehicular access) with westbound traffic ceding priority to eastbound movements. This includes associated build out, road markings, reflective bollards, and signage; and
- A 30mph gateway feature including 30mph road marking roundel, red surfacing, white picket fencing and 30mph signs to the east of the junction with William Judge Close.

5.9 As set out in the TA the speed reduction and traffic calming measures have been the subject of discussion with Kent Police (who agree them as part of a long term signed speed reduction) and have been subject to a Stage 1 Road Safety Audit.

The Pedestrian, Cycle and Emergency Only Access onto Appledore Road

5.10 The TA also provides details of the pedestrian, cycle, and emergency only access arrangement proposed at the western end of the site, adjacent to No. 13 Appledore Road, circa 20m west of the Shrubcote (west) / Appledore Road junction. This access arrangement is shown on drawing ITL9289-GA-100 (extract below) and encompasses a 3.75m wide access to use by pedestrian cyclists, and emergency vehicles only. Existing vehicle access into No. 11 and 13-15 Appledore Road is also to be retained at this location. A bollard with emergency key is located beyond the retained driveway accesses, to ensure it can also provide a secondary emergency access into the site. Unlike the previous scheme the proposed access arrangement would not require the removal of horse chestnut tree (T110) situated alongside Appledore Road. However it is worth noting that the removal of the western vehicular access was not required by KCC, in fact both a singular access point and two access points are supported by KCC.

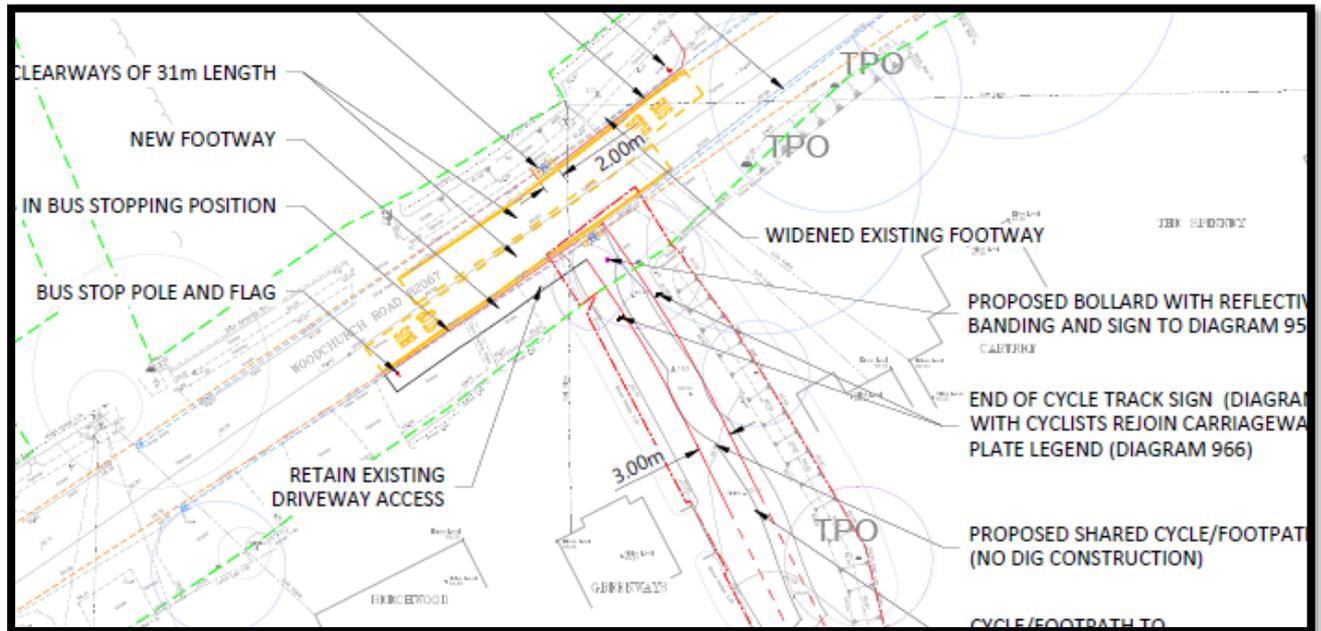


The Pedestrian and Cycle Access Arrangements onto Woodchurch Road

5.11 The TA also provides details of the pedestrian and cycle only access arrangement proposed onto Woodchurch Road between properties known as “Greenways” and “Willow Cottage”,

STATEMENT OF CASE

some 75m west of the junction with Knockwood Road. This is shown on Drawing No. ITL9289-GA-113 (extract below), which includes a bollard to prevent vehicles accessing the site from Woodchurch Road as well as an uncontrolled crossing with dropped kerbs and tactile paving across Woodchurch Road tying in with the existing footpath along the northern side of Woodchurch Road.



Woodchurch Road changes

- 5.12 Two new bus stops are proposed on Woodchurch Road with associated clearways, raised kerbs and footways. These are shown in the extract above.

Internal Access Strategy

- 5.13 In addition the TA explains the proposed access arrangements to the sports pavilion, the road hierarchy proposed within the development, and the parking strategy – which seeks to reflect the aims and objectives of Ashford Local Plan (Policy TRA3a), the Ashford Borough Council Residential Parking and Design Guidance (2010) and the Kent and Medway Structure Plan, Kent Vehicle Parking Standards (July 2006) SPG 4. The parking for the sports facilities also having been determined having regard to the requirements of the Kent FA.

- 5.14 The Access proposals for the site have been agreed in full with the County Highway Authority (KCC) who raised no objection to the application.

The Formal Sports Pitches

- 5.15 Fields F10 and F14 are to accommodate the proposed sports facilities. These comprise:
- 1 x 11v11 Adult Football Pitch on field F10
 - 1 x 9v9 Junior Football Pitch on field F14
 - 1 x 7v7 Mini Soccer Pitch (55m x 37m) on field F14
 - 2 x 5v5 Mini Soccer Pitch (37m x 28m each) on field F14

- 5.16 As set out in the Sports Facilities Supporting Statement that forms part of the Appeal pack the size, location, and design of these sports pitches, as well as the run-off space has been designed in accordance with relevant guidance from the Football Association and Sport England's guidance and together with the pavilion will form a hub site, capable of supporting local football teams across adult and junior age groups. In addition, the Design and Access Statement (DAS) explains that the layout of the 5 pitches has been organised to cause minimum visual impact on the AONB, and to give maximum convenience to future users by placing it near to the proposed parking area and the Public Right of Way, and to allow the pavilion to be located beside the senior's pitch but with views towards the junior pitches from the south facing terrace. The DAS also explains that design of the pitches takes account the need to comply with relevant sports body design guidance whilst also giving the appearance, so far as possible, that they form part of the landscape. This would be achieved by a careful and judicious cut and fill exercise. The Arboricultural Implications Report and addendum report of September 2021¹⁰ also explains how the design and configuration of the proposed sports pitches looks to respect the adjacent trees, including veteran tree 381.

The Pavilion Building

- 5.17 The Pavilion Building has been designed to relevant Football Association and Sport England standards and comprises a single storey building which is circa 500sqm in size and accommodates:
- Two team changing rooms
 - Two officials changing rooms
 - Physio and first aid room
 - Club Room /Drill Hall (80m²)
 - 2 meeting rooms (12m² each)
 - Office (6m²)
 - Kitchen and servery
 - Storage (totalling approx. 72m²)
 - Spectator toilets.
 - 62 car parking spaces.
- 5.18 Elevationally the Pavilion Building comprises a red facing brick plinth, vertical timber cladding to LPA approval and a red plain tile roof to LPA approval. The feature gable fascia & soffit are in zinc detail and zinc standing seam cladding is proposed to the upper half of the club room terrace elevation. As set out in the DAS the design of this building is intended to be simple, practical, and robust, complementing the internal arrangements which will provide much needed facilities for local football and other teams, the cadets (whose dilapidated existing facility is to be replaced in the pavilion), and other community uses. The DAS also explains that the placing of the building is in accordance with Sport England's recommendations and that the topography of the site has been utilised to provide comfortable transitions from the car park and adjacent Public Right of Way, with strategically placed furniture providing opportunities to rest and observe the playing field. The hard landscape palette is limited to corten steel edging, paved surfaces, and locally sourced sweet chestnut, which means the space is suitably durable and visually appropriate for this countryside edge condition. The location of paths/ circulation routes has been designed to work with the internal layout ensuring movement occurs on key desire lines between the pavilion, car park, sports pitch, and Public Right of Way.

¹⁰ Review of points raised by the Ashford Borough Council Tree Officer – report ref SJA ten 21123-01

The Countryside Open Space

- 5.19 The DAS explains that the Countryside Open Space, which would encompass the whole of the eastern part of the site (part of field F17, and the whole of Fields F8, 9, 11 and 12), is to be a managed natural space. As set out in the LEMP, the enhancement of the biodiversity of this area is the key objective, including diversifying the existing habitats and introducing new habitats. The other key objective being the provision of informal recreation. Equipment has been kept to a minimum, including only small areas of timber seating. The landscape strategy for the Countryside Open Space is thus to create an extensive area of informal open space on the countryside edge which will encompass a retained and enhanced landscape structure of tree belts, hedgerows, scrub and grassland mosaic, meadows, acid grasslands, and ponds. Likewise, it will provide for the retention of mature and veteran trees, tree belts and hedgerows along historic boundaries to enhance the sites landscape structure. Lost boundaries will be restored, existing ponds and watercourses retained, and enhanced, and extensive lowland meadows managed to enhance biodiversity. In addition, new damp grasslands will be created, informal paths introduced connecting with PRow to provide extensive public access. Interpretation boards will be provided to explain key features, the provision of trails and a community orchard to enhance community engagement and learning. The LEMP also explains that the Countryside Open Space will be a 'dark sky' environment with no proposed external lighting. This will be aided by the fact that no floodlighting is proposed for the sports pitches.

The Play Areas

- 5.20 The DAS/ LEMP explain that the proposed development will provide for 3 Play areas and 1 outdoor gym all of which have been designed to reflect the play space guidelines drawn up by Ashford Borough Council for green space standards and would encompass a variety of equipment as shown on SLRs drawing 403.06269.00058.landscape1. The 20-30m buffer zones recommended in the guidance, to separate such areas from adjacent residents has been observed, whilst the play areas have been arranged to allow for passive surveillance, where possible.

The Community Orchard

- 5.21 A mixed orchard of apple and plums, encompassing a cobnut plat is located at the northern extremity of the site, adjacent to Woodchurch Road and the PRow. Its location is intended to act as a place-making devise and the orchard itself will provide biodiversity and social benefits. SLR's plan (drawing 403.06269.00058.landscape4) shows a wildlife meadow, scrub, and hedgerow planting within and adjacent to the orchard to aid pollination, and mown grassland paths and seating areas to encourage residents to 'use' this orchard, and for it to provide a gentle introduction to the wider landscape

The Illustrative Masterplan

- 5.22 As set out in the DAS that forms part of the Appeal pack the masterplan seeks to distribute the housing into discrete perimeter blocks which are irregular in their form and are at varying densities. with those more closely related to the edge of Tenterden shown at around 40-45dph which reflect similar densities seen in other recent local developments, and those further towards the edge of the development reduced to 30-35dph and then 25-30 dph, which are generally lower than comparable densities, and will contribute to a sense of a new rural edge fronting the new Countryside Open Space,.

STATEMENT OF CASE

- 5.23 Whilst the DAS also advises that most of the development is 2 storeys, it indicates that there are some areas of part single/ part two storey dwellings within the central greenway, as well as apartments that are 2.5 storeys, (using the roof space for additional accommodation), located close to the settlement edge.
- 5.24 As set out in the DAS, the development parcels are arranged to provide surveillance of the surrounding streets and lanes, and to allow views through the site from the existing PRoW to St Mildred's Church and to respect the results of the LVA.
- 5.25 The DAS also explains that the scheme creates small housing clusters set within historic field patterns, with the main access routes within the development connecting these clusters via a series of new greenways. Thus, the main access road/ parkland road provides access to the mews streets (minor access ways) and the rural edge (lanes) and there is a legible hierarchy to the development.
- 5.26 In terms of architectural form and materials, the DAS explains that the intention is that the proposed development reflects the Kent vernacular i.e. tile hanging, brick and timber will be deployed to break the scale of buildings where necessary and to provide distinctiveness to specific locations within the scheme. Thus, the proposed development will complement the Kent vernacular whilst at the same time creating a distinctive character area on the edge of Tenterden.
- 5.27 In keeping with the characteristics of the surrounding area, the illustrative masterplan indicates that the proposed development will provide for a range of house types including apartments, terraced, linked semi-detached, and detached dwellings.
- 5.28 As set out in the DAS the general principles adopted to the development are to maintain and strengthen the landscape features on the site and to ensure the proposed development integrates with its surrounding, allowing the proposed landscape areas to create a link between the town and the proposed Countryside Open Space,.



6.0 Planning Policy Framework

(i) The Development Plan

- 6.1 As a starting point it is relevant to highlight the Statutory requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (As Amended) that a determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The current Development Plan comprises the Ashford Borough Local Plan (ABLP) which was adopted on 21 Feb 2019, and the Kent Minerals and Waste Local Plan (2016).
- 6.3 The policies of most relevance to the determination of this Appeal are set out in the tables below. A copy of the ABLP is contained within Core Document file 2 CD 2.1

Table 3 – Summary of relevant policies of the Ashford Borough Local Plan 2019

Policy	Title	Mentioned in Reason for refusal
SP1	Strategic Objectives	Yes
SP2	The Strategic Approach to Housing Delivery	Yes
SP6	Promoting High Quality Design	Yes
HOU1	Affordable Housing	Yes
HOU5	Residential windfall development in the countryside	Yes
HOU6	Self and Custom Built Development	Yes
HOU12	Residential space standards	No
HOU14	Accessibility standards	Yes
HOU15	Private External open space	No
HOU18	Providing a range and mix of dwelling types and sizes	No
TRA3 (a)	Parking Standards for Residential Development	Yes
TRA4	Promoting the local bus network	No
TRA5	Planning for Pedestrians	No
TRA6	Provision for Cycling	No
TRA7	The Road Network and Development	No
TRA8	Travel Plans, Assessments and Statements	No
ENV1	Biodiversity	Yes
ENV3a	Landscape Character and Design	Yes
ENV3b	Landscape Character and Design in the AONBs	No
ENV4	Light Pollution and Promoting Dark Skies	No
ENV5	Protecting Important Rural Features	No
ENV6	Flood Risk	No
ENV7	Water Efficiency	No
ENV8	Water Quality, Supply and Treatment	No
ENV9	Sustainable Drainage	No
ENV12	Air Quality	No
ENV13	Conserving and Enhancing Heritage Assets	No
ENV14	Conservation Areas	Yes
ENV15	Archaeology	No
COM1	Meeting the Community's Needs	No

STATEMENT OF CASE

COM2	Recreation, Sport, Play and Open Spaces	No
COM3	Allotments	No
COM4	Cemetery Provision	No
IMP1	Infrastructure Provision	Yes
IMP4	Governance of Public Community Space and Facilities	Yes

Table 4 – Summary of relevant policies of the Kent Minerals and Waste Local Plan 2016.

Policy	Title	Mentioned in Reason for refusal
DM7	Safeguarding Mineral Resources	No

- 6.4 In addition to the Local Plan policies the following Supplementary Planning Documents and Informal Design Guidance is also of relevance to this appeal:
 Landscape Character Assessment SPD 2011
 Residential Space and Layout SPD 2011(now external space only)
 Residential Parking and Design SPD 2010
 Sustainable Drainage SPD 2010
 Public Green Spaces and Water Environment SPD 2012
 Dark Skies SPD 2014
 Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins Informal Design Guidance Note 2 (2014): Screening containers at home Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point
- 6.5 Section 7 deals with the Development Plan in the context of the Appellant's Case.
- (ii) Other Material Considerations - National Policy
- 6.6 Government Policy in the form of the National Planning Policy Framework 2021 ("the NPPF 2021") along with the corresponding National Planning Practice Guidance ("NPPG") comprises a significant material consideration in the determination of this Appeal.
- 6.7 It is unnecessary to repeat the relevant provisions of the NPPF. The Appellant has however had full regard to the relevant sections in the preparation of the appeal scheme and in the context of Section 7 of this Statement.
- (iii) Other Material Considerations – Local Planning Policy Issues
- a) The Five Year Housing Land Supply 2020 - 2025 (Update July 2020).
- 6.8 The Five Year Housing Land Supply 2020 - 2025 published by ABC in July 2020 indicates in table 3 that the council have just 4.8 years housing land supply. Table 3 is reproduced below for ease.

Table 3 Housing Land Supply Calculation

Five year requirement (inc 5% buffer)	7405
Deliverable five year housing land supply	7110
Housing land Supply (7110 / 1481)	4.80 years

- 6.9 We further note that Table A7 - Further potential major windfalls - without full planning permission (as of 31 July 2020) – identifies the appeal site as a potential windfall site in part C.
- 6.10 It is clear from the above that the Council accepts that it does not have a five-year housing land supply. The Appellant will set out that the appeal scheme accords with the provisions of the development plan. However, if the Inspector comes to a view that the appeal scheme does not accord with the development plan, the Appellant will set out a case that paragraphs 74 and 11 (d) of the NPPF are engaged given the five-year housing land supply situation. As such, significant and demonstrable harm has to be identified that outweigh the significant benefits.
- b) The Strategic Housing and Economic Land Availability Assessment 2017/18
- 6.11 The Strategic Housing and Economic Land Availability Assessment (SHELAA) (2017/18) identifies the appeal site as comprising two sites TS3 and TS11. The conclusions of the Suitability & Achievability Assessment of Site TS3 were:
'The site is relatively peripheral to the town centre. Development here could have a significant impact on the existing rural character of this part of Tenterden and the AONB. Access to the site is limited with potentially a major impact on the character of Appledore Road. However, a full assessment is required of these issues'.
- 6.12 The conclusions of the Suitability & Achievability Assessment of Site TS3 were:
'Not available and therefore not suitable or achievable'
- 6.13 No subsequent SHELAA has been produced. As is self evident by virtue of this appeal, the site is now available, and in the appellants opinion suitable and achievable.
- c) Tenterden Neighbourhood Plan
- 6.14 Tenterden Parish was designated as a Neighbourhood Area on 12 March 2019 and is currently progressing a Neighbourhood Plan. The Regulation 14 Neighbourhood Plan was published for public consultation on the 24 June 2021. The Appellant made detailed representations, inclusion legal submissions on said Plan. The Plan is in its infancy and the weight it should be afforded in the decision making process will be set out in our planning proof of evidence.

7.0 The Appellant's Case - Reasons Why Planning Permission Should be Granted.

7.1 The Development Accords with the Development Plan and the Framework

(i) The principles enshrined in the ALP 2030 – Policies SP1 and SP2.

7.1.1 Policy SP1 of the ALP sets out the Strategic Objectives. These include:

- a. To focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes best use of suitable brownfield opportunities;*
- b. To conserve and enhance the Borough's natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature;*
- c. To conserve and enhance designated and non-designated heritage assets and the relationship between them and their settings in a way that promotes distinctive places, proportionate to their significance. Place-based heritage will be a key principle underpinning design and spatial form of development;*
- d. To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area;*
- e. To ensure development is supported by the necessary social, community, physical and e-technology infrastructure, facilities and services with any necessary improvements brought forward in a co-ordinated and timely manner;*
- f. To promote access to a wide choice of easy to use forms of sustainable transport modes including bus, train, cycling and walking to encourage as much non-car based travel as possible and to promote healthier lifestyles;*
- g. To provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including affordable homes, self build and custom build properties, specialist housing for older and disabled people, accommodation to meet the needs of the Traveller community, spacious, quality family housing and for newly forming and downsizing households;*
- h. To provide a range of employment opportunities to respond to the needs of business, support the growing population and attract inward investment; and,*
- i. To ensure new development is resilient to and mitigates against the effects of climate change by reducing vulnerability to flooding, promoting development that minimises natural resource and energy use, reduces pollution and incorporates sustainable construction practices, including water efficiency measures.'*

7.1.2 Policy SP2 of the ALP identifies the Strategic Approach to Housing Delivery. It explains that 'A total housing target of 13,118 net additional dwellings applies for the Borough between 2018 and 2030. In order to achieve this target, additional housing sites are proposed to provide choice and competition in the market up to 2030.

The housing target will be met through a combination of committed schemes, site allocations and suitable windfall proposals.

The majority of new housing development will be at Ashford and its periphery, as the most sustainable location within the Borough, based on its range of services and facilities, access to places of employment, access to public transport hubs and the variety of social and community infrastructure available. With this in mind, in addition to existing commitments, new land allocations to deliver 4,872 dwellings are proposed.

Development in the rural areas will be of a scale that is consistent with the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of

sites and environmental sensitivity. With this in mind, in addition to existing commitments, new land allocations to deliver 1,017 dwellings are proposed.

Windfall housing development will be permitted where it is consistent with the spatial strategy outlined above and is consistent with other policies of this Local Plan, in order to ensure that sustainable development is delivered.

For the purposes of calculating 5 year housing land supply, the shortfall in housing delivery between 2011 and 2018 shall be rectified over a 7 year period to 2025 at an average of 352 dwellings per annum. Over this period, this figure should be added to the annualised OAN requirement to provide an annual housing target of 1240 dwellings plus any relevant buffer. From 2025 onwards, the housing requirement should then reflect the annualised OAN requirement plus any relevant buffer.'

- 7.1.3 Policy HOU5 provides for 'Residential Windfall Development in the Countryside' subject to a number of criteria, which include:
- a) the scale of development proposed is proportionate to the size of the settlement and the level, type, and quality of day to day service provision currently available, and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers;
 - b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;
 - c) the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
 - d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
 - e) conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;
 - f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements: -
 - i) it sits sympathetically within the wider landscape,
 - ii) it preserves or enhances the setting of the nearest settlement,
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.
- 7.1.4 Policy HOU5 also makes it clear that where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.
- 7.1.5 Having regard to the above it is clear that in setting the housing requirement, Policy SP2 accepts that suitable windfall proposals will contribute towards meeting the housing requirement, and that Policy HOU5 provides the policy mechanism by which windfall schemes will be assessed in the context of Policy SP2. To this end compliance with Policy HOU5 means that the proposal does not, and indeed could not, "run counter to the adopted

spatial strategy enshrined in policy SP2” as alleged in the first reason for refusal cited in the decision notice of the 27 September 2021.

- 7.1.6 Policy SP2 also makes it clear that the majority of new housing development will be at Ashford and its periphery, and that development in the rural areas will be ‘of a scale that is consistent with the relevant settlement’s accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity.’
- 7.1.7 In the context of the above, Tenterden is the second largest settlement in Ashford Borough and is the Borough’s only other town outside of Ashford. The ALP identifies it as playing a “*main rural service centre role for much of the south-western part of the borough*” and describes it as “*an attractive, historic town which is relatively well served by shops and services...*” (paragraph 2.49). The town serves a wide rural hinterland and is well connected to larger settlements with regular bus services to Ashford, Maidstone, Tunbridge Wells and Hastings.
- 7.1.8 As the Borough’s second largest settlement Tenterden is well served for day-to-day services. It has a breadth and quality of services which reflects its role as a town which serves a much wider rural hinterland within this part of Kent and parts of neighbouring East Sussex. This includes a wide range of day-to-day services, which are also complemented by several higher order and occasional services (such as the leisure swimming pool and a theatre) as well as a rich cultural and tourism offer (such as the Tenterden Museum and the Kent & East Sussex heritage railway).
- 7.1.9 As the second largest settlement in the Borough, and the main rural centre; it is an area where sustainable growth can be accommodated and would be anticipated.
- 7.1.10 The Appellant will provide evidence that even with a further 145 dwellings being accommodated as a windfall development within Tenterden, the spatial strategy remains Ashford centric.
- 7.1.11 Given the above and the scale of growth proposed within and around Tenterden the appeal proposals would, be consistent with the overall spatial strategy set out in policies SP1 and SP2, of the ABLP and the sustainable distribution of housing development across the Borough; and would reflect Tenterden’s accessibility, level of infrastructure provision and the level of services available within the town.
- 7.1.12 The case officer in paragraph 50 of his committee report of 15 September 2021 appears to indicate that Tent 1 (475 dwellings) and Tilden Gill (100 dwellings) in combination fulfil the town’s development needs over the Plan period. This in our opinion belies the aims and objectives of policies SP2 and HOU5 and the importance of windfall sites in helping to meet the council’s housing land supply requirements and Tenterden position in the settlement hierarchy. In addition, given the fact the Council accepts that it does not have a five-year supply of deliverable housing land, the Appellant considers that as a matters of fact it cannot be correct that the settlement cannot accommodate more sustainable housing growth.
- 7.1.13 In the context of the above it is note that outstanding commitments in Tenterden (Tent1A, Tent1B, Pope House Farm and Tilden Gill) amount to 387 dwellings¹¹; and that this will

¹¹ See table 2.1 of Lichfields report on Tenterden Growth and Community Services Assessment – Committed housing growth in Tenterden – Lichfields analysis of Ashford Local Plan and Ashford Annual Monitoring Reports 2017/18, 2018/19 and 2019/20.

generate a 9.92% increase in Tenterden's existing housing stock of 3,900 dwellings¹². The proposed development at up to 145 dwellings would represent growth of 3.72% in Tenterden's existing housing stock¹³. When combined with other outstanding committed growth it would represent a 13.64% increase in Tenterden's existing housing stock.

7.1.14 As set out in the planning statement that accompanied the appeal scheme, higher levels of growth have been experienced in lower order settlements in the borough, such as Charing (22.4%), and Ham Street (22.9%).¹⁴

7.1.15 It is also noted that the overall level of growth planned across the borough is 24.1%, and the level of growth Government is seeking nationally is 18.5%. As such the scale of growth is proportionate to the size of the settlement, and its position within the settlement hierarchy, as well as the level, type, and quality of day to day service provision currently available; and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in the Local Plan.

7.1.16 As such, it will be the Appellant's case that delivering more housing at one of the most sustainable locations in the Borough would accord with the provisions of the development plan.

Policy HOU5

7.1.17 Policy HOU5 of the ABLP provides for residential development adjoining or close to the existing built-up confines of Tenterden subject to compliance with a number of criteria. The Appellant considers that the proposed development complies with policy HOU5. The case officers' report to committee confirms the council's position on the criteria enshrined in Policy HOU5 of the ALP, and in so doing accepts that there was no conflict with parts a, b, c, and d of policy HOU5. Therefore, the Appellant's evidence will concentrate on the remaining criteria.

7.1.18 The Appellant will set out in evidence how the appeal scheme fully complies with the remaining criteria and that Policy HOU5 is complied with.

The other policies cited in the reasons for refusal as set out in the decision notice of the 27 September 2021

7.1.19 Numerous other policies are quoted by the Council as being breached by the appeal scheme. Technical evidence will be provided by the Appellant demonstrating that the appeal scheme would not breach these policies. In addition, a S106 will be prepared and submitted to the Inquiry that would address that reason for refusal.

7.2 The Development will Provide Much Needed Housing

7.2.1 The Appellant will provide evidence on the need for additional market housing, both across the Borough and more specifically in Tenterden.

7.2.2 The Appellant notes that the Council accepts that it does not have a five-year housing land supply. The Appellant's position is that the shortfall against the requirements is significantly worse than set out by the Council. As such, the Appellant will provide evidence on the correct

¹² See paragraph 2.4/2.5 of Lichfields report on Tenterden Growth and Community Services Assessment.

¹³ See paragraph 3.4 of Lichfields: Tenterden Growth and Community Services Assessment

¹⁴ Measured from 2011 parish census data held with ONS.

STATEMENT OF CASE

housing land supply position in Ashford Borough, having regard to the notion of ‘deliverable’ sites.

7.3 There is an Overwhelming Need for Affordable Housing

7.3.1 There is an overwhelming need for affordable housing in the Borough. The Strategic Housing Market Assessment 2014 (SHMA) identified a need for 368 affordable homes per annum in Ashford over the period to 2030, albeit this should be viewed as an absolute minimum because as set out in paragraph 7.51 of the SHMA:

“The estimates of gross new household formation have been based on outputs from our zero net migration projection. This projection has been chosen to ensure that in the modelling we are predominantly looking at locally generated needs (or at least that the needs of in-migrants are balanced against the needs of households moving out of the area)”.

7.3.2 The ‘Local Housing Needs Assessment’ prepared by Lichfields highlights the fact that, there was a shortfall in supply against affordable housing need across Ashford of 1,716 units as of 2018, which by 2030 could increase to 2,039 units.

7.3.3 ABC’s latest five-year housing land supply position (‘Five Year Housing Land Supply Update July 2020’) indicates that there were just 84 affordable housing completions in 2019/20. Table A1 of said document indicates that delivery year on year since 2011/12 has fallen woefully short of the need identified in the SHMA.

Table 5: Affordable Housing Completions 2011/12-2019/20

2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	Total
245	68	4	124	247	148	108	145	84	1,173 Av 130 dpa

7.3.4 The above suggests that not only is the affordable housing need acute, but it remains high, with completions falling significantly short of the requirement.

7.3.5 As set out below, the proposed development will provide for up to 72 affordable units if 145 dwellings are delivered on this site i.e. 50%, which exceeds the minimum requirements of policy HOU1 of the ABLP 2019 and will go a long way towards meeting Tenterden’s housing needs. This is a highly significant material consideration in favour of the grant of consent.

7.3.6 The Appellant will refer to the officer report and the approach of the Council to affordable housing and will set out that the Appellant’s approach to affordable housing complies and exceeds the requirements and that this favours the grant of consent.

7.4 The Development Site is Sustainable / Tenterden is a Sustainable Location

7.4.1 The appeal site is located immediately adjacent to the built confines of Tenterden, the second largest town in Ashford Borough. The town encompasses a breadth and quality of services which reflects its role as the main rural service centre for much of the south-western part of the borough.

7.4.2 Evidence will be provided to confirm that the appeal site is readily accessible by non-car modes, and that new residents will have appropriate opportunities to access sustainable transport modes in line with the first of the four key transport tests set out in paragraph 110 of the NPPF. This has already been agreed by Kent County Council (KCC) in their role as the local highway authority, and by ABC in the case officers report on the application.

- 7.4.3 It will also be demonstrated that the appeal site is ideally located to support walking and cycling trips, being within walking distance of nearby bus stops, and within walking and cycling distance of Tenterden town centre where there is access to many retail, employment, and leisure facilities.
- 7.4.4 Given the above the Appellant will set out that the appeal proposals comply with criterion b, c, and d of Policy HOU5. Furthermore, given paragraph 63 and 104 of the committee report of the 15 September 2021, the Appellant will set out that the suitability and sustainability of the Appeal site as a location for accommodating up to 145 no. dwellings is not contentious and will be a matter that comprises common ground with the Council. Should this position change the Appellant reserves the right to present further evidence on this matter.
- 7.5 The Development does not result in the harm alleged in the reasons for refusal cited in the decision notice the 27th September 2021.
- 7.5.1 The adverse impacts identified in the reasons for refusal are:
- a. That the scale of development that is proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the independently-examined and accepted approach to the sustainable distribution of housing development across the borough to 2030;
 - b. That the proposals would not sit sympathetically within the wider landscape, preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area;
 - c. That the loss of the trees to accommodate the eastern site access would be detrimental to the character of the area and cannot be adequately mitigated;
 - d. That the proposals would have a detrimental impact on trees 381, 312 and 313, which would amount to a deterioration of an irreplaceable habitat and harm to the visual character of the area
 - e. That the proposals would not preserve or enhance biodiversity as the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the quantum of development for which permission is sought;
 - f. That the proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities;
 - g. That the proposals have not demonstrated they contribute to an overall flood risk reduction, that the site itself would not be at an unacceptable risk of flooding and that there would be no increase in flood risk elsewhere. It has also not been shown that the flood risk mitigation measures would have any no adverse spatial implications for the development proposals in terms of delivering the scale and type of development proposed.
 - h. That the proposals fail to show the impact of the scheme on the AB70 footpath within the site or any acceptable diversion to it, if it is approved by the Secretary of State; that footpath AB70 would clearly have a significant impact on the spatial layout of the development that is proposed and change the dynamic of the footpath experience itself by passing through a built up residential area rather than a series of fields as at present; that the proposal fails to consider or acceptably incorporate the AB70 footpath within the scheme; and that it therefore does not demonstrate how safe and accessible pedestrian access and movement routes will be delivered and connect to the wider movement network and proactively, looks to connect with and enhance public rights of way whenever possible, encouraging journeys by foot

- i. That in the absence of a unilateral undertaking, the proposal failed to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development

7.5.2 Taking each of the issues raised in the reasons for refusal in turn we note the following:

- a) That the scale of development proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the independently examined and accepted approach to the sustainable distribution of housing development across the Borough to 2030.

7.5.3 We consider that the development fully complies with the adopted spatial strategy enshrined in policy SP2:

- The level of housing growth proposed within Tenterden over the plan period would, even with this appeal proposal, only represent 6.3% of the overall requirement set by policy SP2. 74.8% would still be directed to Ashford, so the spatial strategy would still be Ashford centric, in accordance with policies SP1 and SP2.
- Tenterden is the second largest settlement in the Borough and the main service centre for the south western part of the borough. It is well served by shops and services and a sustainable location where you would expect to see growth directed;
- Policies SP1 and SP2 allow for windfall development – indeed it forms a component part of the proposed housing land supply;
- Whilst the development increases the number of dwellings to be provided in Tenterden, it is accepted in the case officers report to committee that the scale of development is proportionate to the size of the settlement and that the local services would be able to accommodate this level of growth in combination with the planned allocations in the local plan and other committed development.

7.5.4 For the reasons set out above, that will be elaborated upon in the Appellant's evidence, it is our considered opinion that the harm asserted in reason for refusal no1 is unjustified, especially in the light of the current housing land supply situation

b) The Impact of the Proposed Development on the Landscape Character of the Area

7.5.5 The LVA that accompanied the Application explains that the appeal site is not located within any formal designations for the most valued landscapes, although it does abut the High Weald AONB for a short section of its eastern boundary. The LVA also highlights the fact that the western edge of the site is adjacent to the Tenterden Conservation Area; that there are Grade II listed buildings on Appledore Road and Woodchurch Road, but that these are separated from the site either by private gardens or by an existing road and housing; and that the Grade I St Mildred's church is visible from several parts of the western end of the site. Further analysis of the landscape value of the site will be provided in evidence.

7.5.6 The LVA goes on to explain that major/moderate landscape effects resulting from the proposed development would be focused on the western end of the appeal site, where new homes would be introduced to the enclosed pasture fields; and that all other landscape effects would be moderate or less. That said the LVA also explains that even in this part of the site the development proposals would result in moderate/minor and positive effects for the hedgerow network and mature trees and ponds; and that importantly, the effects on the distinctive long views towards the tower of St Mildred's would be moderate: whilst some views would be lost as a result of development, several long vistas from footpath AB12 through the site would be protected in greenways, with other views from open spaces and greenways within the development also becoming available.

- 7.5.7 The LVA also explains that the Open Woodchurch Undulating Farmlands, to the east of the footpath, would experience moderate/minor and positive effects, due to the creation of extensive new habitats and the provision of a new areas of informal recreation; and that the effects on the landscape of the AONB would be minor and neutral, as would the effects on the lowland landscapes of the Woodchurch Undulating Farmlands, to the east of the appeal site.
- 7.5.8 The LVA also states that the effects of the proposed development on the streetscape of Appledore Road would be minor and negative, and the effects on the conservation area would be negligible and negative.
- 7.5.9 Given the above the LVA concludes that the main negative landscape effects would be localised upon the western end of the site, with the proposals also providing some positive effects for the eastern end of the site and the hedgerow network; and that effects on landscape receptors around the site and further from the site would be minor or less.
- 7.5.10 Turning to the visual effects of the proposed development the LVA indicates that the potential visual effects of the proposed development have been assessed with the aid of a computer-generated zone of theoretical visibility (ZTV), photomontages, desk top assessment and three site visits in autumn 2020 and winter 2021; that even based upon a worst-case assessment, the extent of potential visibility is clearly localised, with very little visibility in the wider landscape; and that critically, there would be no significant potential for long views from the High Weald AONB either to the east or south west of the appeal site.
- 7.5.11 In the context of the above we note that the case officer in his committee report on the application indicates at paragraphs 88 and 89 that:
*'Although I have objections to the residential development and to its impact on the landscape setting and character of the surrounding area, I consider it would not be able to be argued that there would be a wider and more harmful impact on the setting of the AONB due to the topography and distance from the AONB boundary.
 The proposed pavilion building and outdoor classroom shown in connection with the sports pitches and Country Park are located in closer proximity to the AONB boundary. However, due their scale and design I consider these would not be objectionable in terms of their impact on the AONB setting if there was a justified need for them. This is on the basis that no floodlights are proposed for the sports pitches.'*
- 7.5.12 The LVA goes on to explain that the highest levels of visual effect would be focused on walkers using footpath AB12. As set out in the LVA, walkers would be able to obtain clear views towards the new homes as they look to the west. However, they would also be able to experience enhanced habitats and the new orchard to the east of the path. Furthermore, as set out in the LVA, it is important to note that not all visual effects to the west of the path would be entirely negative: there would be several framed views of the tower of St Mildred's, seen above existing tree canopies, viewed along broad greenways.
- 7.5.13 The LVA also acknowledges that residents immediately adjacent to the site also have potential to experience major/moderate effects in the first few years following completion of the development; but that for many residents these effects would reduce over time once proposed new hedgerows on the site boundary reach semi-maturity.
- 7.5.14 The LVA also explains that visual effects for pedestrians and the majority of residents in the conservation area would be limited to minor effects resulting from new traffic calming measures on Appledore Road, with views to the proposed new homes being limited by existing houses and buildings around the site.

7.5.15 As set out in the LVA, whilst the proposed masterplan seeks to address concerns expressed in relation to the previous application, all green field residential developments on a settlement edge will result in at least localised landscape and visual harm. This proposal is no different; there would be changes in local views and landscapes caused by the proposed new built forms, and some of these would be negative in nature. That said, the fact that a proposed development results in some negative landscape and visual effects does not mean that it is not a high quality design, or that it is inappropriate for its context. As set out in the LVA, the design of this development would conserve not only the distinctive landscape elements of the site, such as mature trees and hedgerows, but also distinctive views towards St Mildred's church; these elements would help to retain the distinct sense of place. In addition, the Countryside Open Space, would provide new opportunities for informal recreation, and the long views to the Low Weald would be retained, again conserving the distinctive sense of place.

7.5.16 In reviewing the proposed development in the context of policy HOU5, and comparing it to that which was refused in September 2020, the LVA advises that:

'It is concluded that this revised design is suitable in the context of Policy HOU5 in that (only matters relevant to this landscape and visual appraisal are addressed here):

- a) The scale of development proposed is proportionate to the size of the settlement...;*
- e) The development would conserve and enhance the natural environment by protecting and reinforcing the existing hedgerow network and mature trees, and creating extensive new areas of new habitats. It would also preserve the visual relationship of the site with St Mildred's, allowing long vistas along greenways towards this local landmark. The negative landscape and visual effects would be localised, with the country park and additional habitat creation providing opportunities for landscape and visual enhancement.*
- f) The development (and any associated infrastructure) would be of a high quality design and would meet the following requirements:*
 - i) it sits sympathetically within the wider landscape, having minimal effects on surrounding landscape and visual receptors including those in the conservation area and the AONB.*
 - ii) it protects the setting of Tenterden, by conserving views towards St Mildred's from the west of the site and conserving the network of hedgerows and mature trees, and also enhances that setting by creating a new country park to the east.*
 - iii) it provides an 8.66ha country park to the east of the footpath which provides a broad landscape and visual buffer between the site and the open countryside to the east;*
 - v) it would protect the amenity of nearby residents by providing broad stand offs with additional native structure planting around the edges of the site;*
 - vi) it would conserve and enhance biodiversity by preserving existing habitats and creating new habitats, both in the country park and throughout the western end of the site.'*

7.5.17 The LVA concludes:

'The landscape-led design of the development proposals has ensured that potential landscape and visual effects would be localised and would not significantly affect sensitive landscape and visual receptors outside of the site. The design has sought to address the concerns raised in the previous application by providing a much smaller quantum of development, whilst retaining the country park and sports facilities and offering more POS in greenways between houses. The design has, in particular, sought to retain the distinctiveness of this part of the setting of Tenterden by:

- Retaining views to St Mildred's from the western part of the site;*
- Retaining long views to the Low Weald from the eastern part of the site;*
- Conserving and enhancing the well-established hedgerows and trees;*
- Enhancing the range of habitats on site;*
- Providing a low density development with broad green ways and open spaces, which is appropriate for this settlement edge location.'*

- 7.5.18 For the reasons set out above, that will be elaborated upon in the Appellant's evidence, it is our considered opinion that the harm asserted in the second reason for refusal is unjustified and will not withstand detailed scrutiny under cross examination; and that the proposed development complies with the aims and objectives of policies ENV3a, ENV3b, ENV5, SP1(b) and HOU5 (e) and (f) of the ABLP (2019)
- c) The impact of the loss of the trees to accommodate the eastern site access on the visual character of Appledore Road
- 7.5.19 As set out in the Arboricultural Implications Report submitted with the appeal scheme¹⁵ various options were explored when looking to establish the eastern access point, and the removal of tree no. 43 was considered to be the least arboriculturally harmful option.
- 7.5.20 Furthermore, contrary to the third reason for refusal, the impact of the loss of this tree on the visual character of the road will be minimal as T43 does not form a component part of the visual character of Appledore Road. Its loss would only be apparent from immediately opposite and a short distance in either direction, against a backdrop of other trees, and its removal would not create a gap in the tree line or significantly diminish the visual character of this part of the area. The above reflects the position taken by SLR in the LVA which also indicates that the landscape effects of losing this tree on the tree-lined streetscape of Appledore Road would be minor, as this is just one of a number of irregularly spaced mature horse chestnuts which line the road, the loss of which would not disrupt a distinctive pattern.
- 7.5.21 The Appellant will provide evidence to set out why the appeal scheme is acceptable.
- d) That the proposals would have a detrimental impact on trees 381, 312 and 313, which would amount to a deterioration of an irreplaceable habitat and harm to the visual character of the area
- 7.5.22 Notwithstanding the issues associated with the loss of tree to form the main access into the site, as discussed above, it is noted that whilst the appeal is a hybrid application, both the detailed element and that which is submitted in outline look to demonstrate that the vast majority of existing trees and landscaping on the site would be retained and supplemented by new planting.
- 7.5.23 There is a total of 479 individually surveyed trees, and 66 groups of trees and hedgerows growing within or adjacent to the appeal site, or within the avenue along Appledore Road. Of the forty-six trees to be removed to facilitate the development, none are ancient, veteran or category 'A' specimens and only two are mature. Five have been assessed as category 'B', thirty one as category 'C' and ten as category 'U' in accordance with the criteria set out in Table 1 of BS5837:2012 *'Trees in relation to design, demolition and construction – recommendations'*. In addition, seven groups of trees would need to be removed and seven groups of trees/ hedgerows partially removed to facilitate the development. The individual tree loss represents less than 10% of the trees growing within or adjacent to the appeal site, or within the avenue along Appledore Road.
- 7.5.24 No trees covered by a TPO will be removed as part of the development.
- 7.5.25 All other trees, subject to any necessary pruning and protection measures set out on the tree protection plan submitted with the appeal scheme, can be retained, and protected in the context of the proposals; and through the imposition of appropriate conditions, the retention and protection of trees can be assured.

¹⁵ See paragraphs 5.2.12 – 5.2.16.

- 7.5.26 The appeal proposals have also catered for the protection, of the trees to be retained through the imposition of appropriate buffer zones for all ancient and veteran trees on and adjacent to the site. This protection can further be assured through the imposition of an appropriate condition requiring an ‘ancient and veteran tree management plan’.
- 7.5.27 In addition, the existing field boundary features and the native hedgerow that runs through the site can also be retained for the most part and will be incorporated into the communal areas to protect them for the long term. Thus, the appeal site can, with the exception of the issue of the impact of the loss of trees to form the eastern access, as raised in the determination of the application; and subject to appropriate conditions, be developed without any adverse impact on the trees and landscape features within the appeal site.
- 7.5.28 In the context of the above we note that in considering the appeal proposal, ABC’s tree officer has raised a number of queries on impacts on trees that he had not raised when considering the previous scheme, and in locations where the scheme has not altered – i.e. within the area adjacent to the sports pitches and the county park. These include comments on the impact of the proposed development on T381, a field maple located in field F10 adjacent to the proposed sports pitches and designated an ‘ancient’ tree; the effect of the proposed development on a ‘veteran’ oak tree T312 located on the boundary of fields F4 and F5 within the area of residential development, the effect of the SuDS area within the RPA of T313 (a TPO Oak on the boundary of field F4 and the adjacent property ‘Marne House’), and the lifting of the low crowns of G26 (situated between field F10 and F11) and trees T382-4 (situated between fields F10 and F12). We also note that reason for refusal 4 as cited in the committee report of the 15th September refers explicitly to the impact on trees 381, 312 and 313; para 84 of the committee report making it clear that: *‘Within Area F10 the construction of the sports pitch, pavilion and car parking area relies on the crown lifting of a significant number of trees. Currently, many have attractive low crowns that would have a significantly altered aesthetic if crown lifted. However, I do not consider the extent of this impact in visual terms is objectionable in this case.’* Taking the other three arboricultural issues in turn we note:
- (i) Tree no. 381 – Field Maple
- 7.5.29 There appears in this objection confusion or misinterpretation of the terms ‘root protection area’ (RPA) and ‘veteran buffer zone’. The two are not synonymous. The RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree’s viability; represented notionally as a circle in plan form and morphed in shape according to site conditions or likely rooting barriers (most of the RPAs on this site have been kept as circles as there are so few barriers to rooting). This assumes that some harm may be caused to a tree by excavating or disturbing the soil outside the RPA, but that this will not affect the tree’s viability in terms of physiological or structural condition and thereby, life expectancy. By contrast, the veteran buffer zone is intended to avoid all significant harm to a veteran or ancient tree, which because of its age, is likely to be intolerant of any potentially adverse practices that could affect it directly (root damage) or indirectly (soil compaction, pollution or hydrology, negative impacts on other flora and fauna which contribute to the tree’s ecosystem). The continuity of this habitat may be important to the continuity of the tree itself.
- 7.5.30 Evidence will be presented to demonstrate that for a tree in a hedgerow, as with tree no. 381, it is the hedgerow that is likely to be more important in terms of buffering impacts and maintenance of associated flora and fauna on ancient or veteran trees, especially if the surrounding land is agricultural or pasture. The other trees in the hedgerow are those that should hopefully provide continuation of habitat. Therefore, we see no reason why the buffer zone around a veteran or ancient tree should not be morphed, within reason, to preferentially

include more of the essential habitat that needs protecting and as long as the root protection area required to sustain the tree functions as it should in accordance with BS5837.

- 7.5.31 Evidence will also be presented to demonstrate why the silted ditch to the east of the field maple tree was not seen as a rooting barrier for this specimen.
- The field maple is made up of several semi-mature stems arising from an old and decayed stool that is only ancient by virtue of its assumed age relating to the diameter of the stool. These will have newer and younger root morphologies and it is entirely likely, with the silting of the ditch, that they are spreading in all directions.
 - There is no clear evidence in the morphology of the field maple's buttressing that suggests it has preferentially rooted to the west away from the ditch.
 - In terms of rooting depths on clay soils, the field maple is a shallower rooting species that is unlikely to have rooted under a deep ditch when it was actively maintained. However, as set out above there is no reason why the field maple's younger root system would not have taken advantage of favourable rooting environment as the ditch silted up.
- 7.5.32 There appears to be some confusion about what is happening within the field maple's RPA. In the 2019 application excavation for drainage was intended within the RPA of this tree. However, during the application process more work was done on this, and the applicant's sports surface consultant stated that the drainage within and in the vicinity of the RPA of tree no. 381 can be obviated. The 2021 application incorporated these amendments and hence the reference to excavation within field maple 381's RPA at paragraph 7.2.6 of the AIR (SJA air 21123-01a) should have been removed. This oversight has been addressed in the addendum AIR submitted to ABC on 3rd Sept 2021 (see Core Document 4.24) with this appeal. The addendum makes it clear that all that is proposed within the RPA of this specimen is a slight increase in soil level and a different grass mix on the pitch to the existing grassland in this area. Where this encroaches within the RPA there is nothing to suggest that it will have any negative impact on the tree itself; the tree's roots are relatively young and as a species field maple is moderate to good at tolerating root disturbance.
- 7.5.33 In terms of impact on the buffer zone, Lonsdale says: "*it can sometimes be sufficient for the RPA to be a zone of very low-intensity use, rather than one of total exclusion of farming or other activities.*" With this in mind, the sports pitch is a zone of low intensity use and reasonably the buffer zone could still be drawn as a circle centred on the tree's coppice stool. However, as set out above, the buffer is designed to protect more of the beneficial habitat in which the tree is growing and hence it has been morphed to secure greater protection around it, away from the new pitch and remove the risk of cumulative impacts.
- 7.5.34 In summary: the RPA and buffer zone function differently and are treated differently according to the relevant recommendations and guidance. There is nothing to suggest that either the RPA or the buffer zone for this tree needs to be morphed to allow for the presence of the now silted ditch. There is an RPA incursion but other than removal of the existing turf this will not result in any significant excavation and will not result in detrimental impact to the health of the tree. Whilst the new pitch does change the nature of some of the grassland in proximity to the tree, its use will be low intensity and nevertheless the buffer has been morphed to protect more of the more beneficial habitat (the hedgerow) around the tree.
- 7.5.35 Whilst the morphing of the buffer zone for this tree was not explicitly agreed with the tree officer previously, the principle is the same as that agreed with him for the oak tree no. 312, as set out below. Thereafter, neither the morphing of the buffer zone nor the RPA encroachment were objected to in the Tree Officer's comments on the 2019 application. Moreover, these were not cited as a reason for refusal of the previous planning application ref. 19/01788/AS. As the condition of the tree has not changed significantly in the meantime

and as the location of the proposed sports pitch has not changed, albeit with the impact upon it lessened by the removal of any drainage, it is not clear why the Tree Officer has changed his views on this matter. Evidence will therefore be submitted to demonstrate that the appeal proposals will not have an adverse impact on the veteran tree T381, in accordance with national policy.

(ii) Tree no. 312 – English oak

- 7.5.36 Despite seeking the tree officer's view on the morphology of this tree's buffer zone prior to the submission of the previous application in 2018 and obtaining his agreement that it could reasonably be morphed (with a bias to the north and south along the hedgerow and ditch, albeit with the maximum radius to the east) to reflect the tree's clear root morphology and to protect more of the hedgerow in which it is growing, since then the council tree officer has sought to renege on this position, leading to a number of changes to the evolving layout. In the appeal scheme, the appellant has conceded to centralise the RPA and buffer zone in accordance with the advice they had from the tree officer and have developed a scheme accordingly. The appellants' arboriculturist maintains that it is entirely reasonable to morph this tree's buffer zone (but whilst it might also be reasonable to morph the RPA we have sought to avoid doing so to ensure at least 15m clearance between it and any development) despite the tree officer apparently changing his mind on this as well.
- 7.5.37 In the context of the above, and for clarity, we do not agree that tree T312 is rooting preferentially to the east as suggested, due to the presence of the ditch. It is rooting preferentially to the north and south along the ditch and amongst the more preferential associations with other trees and fungi in the hedgerow and moisture associated with the ditch. The grassland to the east and west is likely to have historically been ploughed (as advised by the heritage expert according to the shape of the fields and field boundaries) and more recently grazed. This more intensive use, compaction and competing vegetation will not have stopped the tree rooting here but would have meant it rooted preferentially along the ditch and hedgerow.
- 7.5.38 Given the above the appellant has always advocated a more elliptical buffer zone, at least 15m in radius (to maintain the RPA) but taking in more of the hedgerow and ditch north and south of the tree.
- 7.5.39 We now find ourselves in a position where we were originally told the buffer zone could not be morphed, then that it could, then that it couldn't and now that it can again. Evidence will therefore be submitted to demonstrate that the approach being adopted by the appellants is entirely appropriate and in accordance with national and local policy, and that ABC's approach is not reasonable, especially as neither the shape nor extent of the buffer zone was included as a reason for refusal of the previous scheme (ref. 19/01788/AS).
- 7.5.40 On the basis of the above, whilst the appellants summary position will be elaborated upon in the appellant's evidence, it is our considered opinion that the harm asserted in the reason for refusal no4 is unjustified and will not withstand detailed scrutiny under cross examination; and that the proposed development accords with policies SP1, SP6, and ENV3 of the ABLP (Jan 2019), and paragraph 180 (c) of the NPPF 2021.
- e) That the proposals would not preserve or enhance biodiversity as the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the quantum of development for which permission is sought.

- 7.5.41 The Ecological Assessment (EA) that accompanies the appeal submission confirms that the appeal site is not situated within any statutory or non-statutory designated sites. Nor are there any statutory designated sites of International/European or National importance within 5km of the Site. There are however six non-statutory Local Wildlife Sites (LWS's) within 2km of the site - Knock Wood LWS, Ashenden Gill LWS, Kench Hill LWS, Heronden Woods and Pasture LWS, Woods and Pasture Millpond Farm LWS and, Friezingham Dykes and Newmill Channel. The nearest being Knock Wood LWS, which is situated just beyond the northern boundary of the site, on the opposite side of Woodchurch Road.
- 7.5.42 The EA goes on to advise that Knock Wood LWS is also an area of Ancient and Semi-natural Woodland, which is managed for recreation with a number of pathways, which direct recreational activities throughout the woodland. Dense undergrowth precluding most visitors from leaving these paths thus reducing impacts from recreational pressures.
- 7.5.43 Given the on-going and current management of the Knock Wood LWS and Ancient Woodland, including its variety of footpaths and size, and the significant quantity of attractive open space to be provided on site through the areas of green infrastructure and Countryside Open Space,, which is located closest to the wood, it is considered that any increases in recreational pressure will be mitigated for through on-site measures. All other non-statutory sites and pockets of Ancient Woodland being located a significant distance away from the appeal site boundary, and / or having restricted access.
- 7.5.44 The EA goes on to explain that following main habitat / vegetation types were identified within the boundaries of the appeal site comprise:
- Grassland – Semi-improved Neutral Grassland (Forb Species Poor), Improved Grassland, and Rush Pasture. All with a limited forb content.
 - Scrub
 - Recently Felled Woodland
 - Ruderal vegetation
 - Ponds – 6 on site and 5 adjacent to the site boundary
 - Seasonally Wet Ditches
 - Hedgerows and treelines
 - Built-form
- 7.5.45 The EA advise that generally, the habitats of increased ecological value within the context of the applications site include the hedgerows, mature and Veteran trees, and the waterbodies; and that the vast majority of the remainder of the appeal site comprises semi-improved grassland of varying quality, all of which is considered to be herb species-poor and as such of limited biodiversity value.
- 7.5.46 In the context of the above the EA explains that the proposals seek to largely retained and enhance those habitats of greatest ecological interest, with the development designed in such a way as to largely avoid existing linear features; being mostly contained to areas of lesser quality grassland located within the west of the site. Where some habitats of better quality will need to be lost as part of construction, the EA advises that this will be limited to only where absolutely necessary.
- 7.5.47 The EA also explains that the opportunity to deliver significant ecological enhancements forms an intrinsic element of the development proposals. Losses to semi-natural habitats will be more than mitigated through an extensive landscaping regime which will target the retention, creation, and enhancement of habitats on site. Amongst other measures, the EA advises that this will include the following:

- the provision of a 8.66 ha Countryside Open Space,, which will include vast areas of enhanced species-rich meadow grassland habitat, dedicated biodiversity ponds, native scrub planting and the retention and enhancement of existing high quality linear features;
- the provision of a biodiversity led green infrastructure network that will permeate through residential areas, creating high quality green links with the Countryside Open Space, and areas of development. This will provide excellent connectivity for mobile species Measures will include pond retention and enhancement, pond / SUDS creation (creating a 'stepping stone' approach to aquatic habitats), inclusion of large areas of species rich wet and dry meadow grassland, and the enhancement and retention of multiple high quality hedgerows and treelines.

7.5.48 Subject to the adoption of the above measures, the EA indicates that the proposals will fully accord with legislation and planning policy of relevance to nature conservation and indeed will complement local conservation initiatives, such as those set out by the Low Weald Woodland Biodiversity Opportunity Area. Based on the BIAC metric the appeal scheme provides a net gain in excess of the requirements of the draft Environment Bill, which when enhancements for species are taken into account provides a significant gain overall.

7.5.49 The EA also explains that during detailed survey work across the appeal site the recorded use of the appeal site by protected and notable species comprises:

- Bats – foraging and commuting,
- Badgers
- Reptiles – slow worms, common lizard, and grass snakes
- Amphibians – Great Crested Newts
- Breeding birds – including 4 Red Status BoCC species and
- Invertebrates

7.5.50 Whilst no evidence of hazel dormice were found in surveys undertaken in 2017 and 2018, the EA indicates that KMBRC have records of a dormouse being found at a property off Appledore Road in 2019.

7.5.51 Having regard to the above, the EA explains that the presence of protected and notable species has been carefully considered as part of the development proposals with wide ranging avoidance, mitigation and enhancement measures identified such that significantly improved opportunities will be available for all faunal groups post-development. Where required, the EA explains that a precautionary approach has also been taken to those species not recorded on site but identified to be potentially within the zone of influence.

7.5.52 The EA concludes that:

'...the development proposals will realise significant qualitative enhancements to on-site habitats, providing a mechanism whereby the nature conservation value of the application site can be significantly enhanced in the long term. With reference to faunal species, the recommendations set out within this report will fully mitigate potential impacts and will realise significant enhancements to the range of protected and notable species recorded on site or considered to have potential to colonise in future years. This will ensure the Favourable Conservation Status of on-site species is retained and enhanced, ensuring betterment relative to the current situation.

....., the development proposals will avoid or minimise potential adverse effects and provide opportunities for the delivery of enhancements to biodiversity which will greatly outweigh any adverse impacts. On this basis, the development proposals accord with all legislation and planning policy of relevance to ecology and nature conservation and indeed should be viewed as an opportunity to secure significant ecological enhancements at a wider level.'

STATEMENT OF CASE

7.5.53 On the basis of the above, whilst the appellants summary position will be elaborated upon in the appellant's evidence, it is our considered opinion that the harm asserted in the reason for refusal no5 is unjustified and will not withstand detailed scrutiny under cross examination; and that the proposed development accords with policies ENV1, ENV3a, ENV4, ENV5, ENV9, HOU5 (e) and (f(vi)) and SP1(b) of the ABLP (Jan 2019).

f) That the proposals have not provided sufficient information regarding general need, community provision, community engagement and management of the sport, community and open space facilities

7.5.54 The appeal proposals provide for a 8.66 ha Countryside Open Space, as well as 3.33 ha of land to be used as formal sports pitches (1 x 11v11 Adult Football Pitch, 1 x 9v9 Junior Football Pitch, 1 x 7v7 Mini Soccer Pitch and 2 x 5v5 Mini Soccer Pitch), and 6.93 ha of incidental public open space/ amenity space, including the Central Green Space, two LAPS, a LEAP, and outdoor gym. The Planning Policy requirement would, for a scheme of 145 dwellings be 1.87ha (see table below). Clearly the proposed development provides for a considerably greater level of amenity space than that required to meet the needs generated by the development.

Planning requirements	Unit's total	145
	Resident/ household	2.4
	Total residents	348
Item	m2 /resident	ha. required
Outdoor sport	16	0.56
Children's & young people's play	5	0.17
Informal Natural Green space	20	0.70
Allotments	2	0.07
Parks and recreation	3	0.10
Cemeteries	6	0.21
	Total	1.87

7.5.55 Evidence will be presented to demonstrate how the provision of the Countryside Open Space and associated facilities reflects the aims and objectives of the Council's Open Space Strategy (2017), and how future management arrangements will reflect the approach promoted by policy IMP4 of the ABLP (2019), such that the proposed development would provide future residents with more than sufficient amenity space to meet their needs and therefore accords with the aims and objectives of policies SP1 (e), COM1 and COM2 of the ABLP (2019)

7.5.56 The Sports Facilities Supporting Statement explains that at present the area identified as field F13 comprises a poor-quality playing field (assessed against nationally recognised Performance Quality Standards) owned by Tenterden Schools Trust, which is lacking in ancillary facilities such as changing rooms, adequate access, and parking. These factors, in combination with the relative distance from the main campus mean that the playing field is not used by Homewood School for curricular or extra-curricular activities. The Sports Facilities Supporting Statement also explains that the lack of ancillary facilities makes F13 unsuitable for use by local football teams; and that post development, F13 will be used for residential development and will also provide the vehicle access point to the wider site and sports facilities. In this regard the Sports Facilities Supporting Statement explains that field F14 also owned by Tenterden Schools Trust, which is currently grazing land will be

reconfigured and redeveloped to provide junior sports pitches; and that field F10 will be changed from the current arable farming use to an adult sports pitch and also accommodate the pavilion building and car parking. Post development, the sports facilities will, as set out in the Sports Facilities Supporting Statement, form a hub site, capable of supporting local football teams across adult and junior age groups.

7.5.57 In the context of the above the Sports Facilities Supporting Statement explains that Sport England will normally oppose development on playing field land (regardless of whether it is in public, private or educational ownership) which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field.

7.5.58 There are as set out in the Sports Facilities Supporting Statement five possible exceptions that could result in any opposition being withdrawn. These exceptions, set out in the document "Playing Fields Policy and Guidance" (March 2018), are as follows:

- Exception 1 – A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
- Exception 2 – The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
 - Exception 3 – The proposed development affects only land incapable of forming part of a playing pitch and does not:
 - o reduce the size of any playing pitch;
 - o result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
 - o reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
 - o result in the loss of other sporting provision or ancillary facilities on the site; or
 - o prejudice the use of any remaining areas of playing field on the site.
 - Exception 4 – The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
 - o of equivalent or better quality, and
 - o of equivalent or greater quantity, and
 - o in a suitable location, and
 - o subject to equivalent or better accessibility and management arrangements.
 - Exception 5 – The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7.5.59 Sport England have advised in pre-application correspondence that the proposals are consistent with Exception 4, a position they confirmed when commenting upon planning application 19/01788/AS, which they supported subject to suitable conditions and S106 obligations

7.5.60 In this regard the Sports Facilities Supporting Statement explains that based on an overall playing field area of 3.3 hectares, approximately 0.75 hectares is replacement provision for the pitch on F13 and approximately 0.56 hectares would be playing fields to serve the

development pursuant to policy COM2 of the ABLP. The remaining 2.02 hectares would provide space for the pavilion, access, parking, and additional playing field space to address issues identified in ABC's draft Playing Pitch Strategy (PPS).

- 7.5.61 The Sports Facilities Supporting Statement submitted with the appeal scheme explains that ABC's draft Playing Pitch Strategy (PPS 2017-30 (May 2017) provides an Action Plan to *"Ensure that the current and future demand for sports and recreation are planned for holistically and that the needs of the current and growing population of Ashford Borough can be fully met."* From the perspective of football, the PPS identifies a range of 'Strategic Priorities' across the Borough. These include:
- 1) **Protect all pitches unless suitable equivalents or better replacements are provided.**
 - 2) Ensure formal Community Use Agreements are in place for all 3G pitches on education sites.
 - 3) Support junior clubs with facility management and improvement and ensure security of tenure.
 - 4) Engage with FA Pitch Improvement Programme resulting in improvements to playing fields.
 - 5) Improve non-playing facilities, i.e. changing rooms, parking, and access. The need for a new clubhouse in Tenterden is identified.
 - 6) Provide three new 3G pitches, including one at Homewood School in Tenterden.
 - 7) Grass pitch shortfalls identified across the Borough – including:
 - a) Need for further junior 11v11 pitches in Tenterden. Identifies Homewood School (3G) and Appledore Road as venues.
 - b) **Shortfall of 9.5 junior 9v9 match equivalent sessions.**
 - c) **Current demand for mini soccer pitches can be met through a combination of 3G pitches, improvements to existing sites and reconfiguration. Small projected shortfalls in the future.**
- 7.5.62 Whilst, as set out in the Sports Facilities Supporting Statement a 3G pitch has been built at Homewood School and Sixth Form Centre, thereby delivering one of the key Tenterden priorities (6), the identified need for more increased grass pitch capacity (7a & 7b) and a new club house building remains unaddressed (5). The development will address these outstanding Strategic Priorities, as well as being entirely consistent with Strategic Priority 1
- 7.5.63 In addition to the above the Sports Facilities Supporting Statement advises that after a period of there being no junior football teams in Tenterden, a junior club (Tenterden Tigers FC) has been re-established, offering training and/or competitive fixtures for the U6 to U10 age groups (albeit with matches played in Rolvenden); and that Tenterden Town Council's plans for the redevelopment of the Recreation Ground¹⁶ do not envisage retention of the football pitch, traditionally used by Tenterden Town FC. The proposed facilities at Appledore Road would provide a home for these teams. Furthermore, whilst Tenterden Town FC is able to use the Homewood School 3G pitch as a home ground, this pitch and ancillary facilities do not comply with the Ground Grading criteria required for Clubs at Step 7 of the National League System pyramid. This would therefore prevent the club from being promoted to the Kent County Football League Premier Division if an alternative venue is not available. As set out in the Sports Facilities Supporting Statement the proposed facilities at Appledore Road have been designed to meet this standard.

¹⁶ 21/00724/AS refers

- 7.5.64 The Sports Facilities Supporting Statement also explains that the findings of the Tenterden Town Council's Sports Facilities Strategy identify a number of issues for football in Tenterden which remain outstanding. These include:
- The need for a new home ground for Tenterden Tigers (juniors)
 - The need for improved drainage at all natural turf pitch sites in Tenterden
 - Need for renewal or replacement of the pavilion at the Recreation Ground
 - Tenterden Town FC's aspiration to play in the Kent County Football League Premier Division.
- The proposed development at Appledore Road would address all of these issues.
- 7.5.65 The Sports Facilities Supporting Statement goes on to explain that the Sports Hub and Countryside Open Space, facilities have been designed with the ABLP preference for Community Stewardship in mind; that the applicant would seek to work in partnership with the Borough Council to identify suitable organisations to manage the Countryside Open Space, and Sports Hub; and that this approach is proposed to offer compliance with preferred Community Stewardship model set out in Policy IMP4. A draft Operator Appointment plan is included at Appendix 10 of the Sports Facilities Supporting Statement.
- 7.5.66 The Sports Facilities Supporting Statement also explains that to further secure community access to the playing fields, it is proposed that a Community Use Agreement, based on the Sport England template, would be put in place. A draft template is included as Appendix 11 of the Sports Facilities Supporting Statement. The Sports Facilities Supporting Statement also explains that Amenity Green Space within the 12.35-hectare main development area would be managed by an Estate Management Body.
- 7.5.67 The Sports Facilities Supporting Statement also provides details of the Commuted Maintenance Sums involved, and that these, augmented by a further contribution for the pavilion and car park will result in the delivery of an attractive and sustainable offer for community organisations drawn from Tenterden or the surrounding area.
- 7.5.68 The Sports Facilities Supporting Statement concludes that:
- 'The proposed development of up to 145 units at an average occupancy of 2.4 residents per dwelling would generate demand for approximately 1.60 hectares of outdoor sports pitches. However, as summarised in Table 7.1 the proposed provision will exceed this, providing an attractive and extensive area of sports facilities and open space to meet the needs of Tenterden residents now and in the future.*
- The sports facilities will complement the recently opened 3G pitch at Homewood School, further addressing the outstanding issues identified in the Ashford PPS, the Tenterden Town Council Sports Facilities Strategy and ABC Open Spaces Strategy.*
- They will also support the sustainable reestablishment of junior football in the town, providing a catalyst for growth, with a pathway from junior through to adult football.*
- The Country Park will address issues identified in the Open Space Strategy, most notably through provision of a site that could serve as the Strategic Hub for Tenterden, with good quality access arrangements in place.*
- The Sports Hub and Country Park facilities will be delivered in the first phase of the development, without the need for any grant funding. The pitches will be available for use approximately 18 months after construction commences, projected to be in the Autumn of 2023.*
- It is our view that the proposals are consistent with the NPPF, Sport England Policy Exception 4 and Policies COM1 and COM2. Furthermore, they take account of the preference for Community Stewardship outlined in Policy IMP4 with an appropriate Commuted Sum (totalling over £1.5 million excluding inflation) to support ongoing maintenance.*

Finally, by providing a draft process for appointment of an operator (or operators) and template Community Use Agreement for the Sports Hub, we have demonstrated how the facilities would be secured for the benefit of the local community, thereby addressing the concerns raised in Reason for Refusal 7 for the earlier planning application.'

- 7.5.69 ABC's Cultural, Tourism and Leisure Services officer in their response to the appeal scheme questioned the evidence of need, the intended end user, and the management of the proposed sports facility and associated pavilion, open space, and related infrastructure. Taking each in turn, and having regard to our submission of the 12th August 2021 – See doc 4.21, we would highlight the findings of the Playing Pitch Strategy 2017-30, the content of the Sport England Active Places Power database and the Football Foundation Pitchfinder database, the findings of the 2019 Ashford Local Football Facility Plan, the content of the Draft Tenterden Neighbourhood Plan, and the Tenterden Sports Review, all or which demonstrate that there is demand for the type and scale of provision proposed by Wates Developments at Appledore Road. Further evidence will be submitted to demonstrate the continuing need for the proposed sports facilities.
- 7.5.70 Turning to the management of the proposed sports facility and associated pavilion, open space, and related infrastructure, the Model S106 obligations submitted in response to Ashford Borough Councils Culture, Tourism and Leisure comments, see CD 4.20 demonstrates how each of the component parts of the development (the Sports Facilities (incl. pitches, pavilion, and car park), Countryside Open Space, and Managed Estate Areas (all open space ancillary to the residential scheme)) will be delivered in accordance with the criteria of Policy IMP4, under the umbrella of what has been termed the 'Community Facility Management Scheme'. It confirms that:
- the 'Community Facility Management Scheme' must be approved by ABC prior to Commencement of Development (see paragraph 1.1 of the Model S106 obligations) – which scheme would include the identity of the Estate Management Body charged with the management and maintenance of the Managed Estate Areas and there would be no 'contract' with the Estate Management Body in this context as its *raison d'être* is to implement the approved scheme.
 - the suitable organisation/operator(s) for (respectively) the Sports Facilities and the Countryside Open Space must have been formally appointed prior to first Occupation of a dwelling (see paragraphs 2.3 and 3.3 of the Model S106 obligations). The term 'appointment' has been used to clearly convey the formality of the arrangement, but mindful that the notion of a 'contract' may be too rigid or premature a term having regard to the number of ways in which the operation and amenity of the relevant facility may be achieved and to make that assumption could well limit opportunities with prospective operators.
- 7.5.71 We believe the Countryside Open Space, sports pitches, and proposed pavilion, together with the ancillary open space could serve to enhance access for recreational facilities in Tenterden in line with ABC's draft Playing Pitch Strategy and Tenterden Town Council's Sports Facilities Strategy. We further note the appeal scheme had the support of Sport England and would highlight, as set out above, the fact that the Model S106 obligations makes provision for the delivery of and future management of the Country Park/ Countryside Open Space, sports facilities, and ancillary open space in line with policy IMP1 and IMP4, such that the proposed development actively enhances public access to the countryside, and access to recreational facilities, thus promoting the wellbeing of the local population in accordance with paragraphs 92, 98 and 130 of the NPPF.
- 7.5.72 Given the terms of the Model S106 obligations and associated template draft Operator Appointment plan and Community Use Agreement, we believe we have demonstrated how

the facilities would be secured for the benefit of the local community, thereby addressing the concerns raised in refusal no6 is unjustified

g. That the proposals have not demonstrated they contribute to an overall flood risk reduction, that the site itself would not be at an unacceptable risk of flooding and that there would be no increase in flood risk elsewhere. It has also not been shown that the flood risk mitigation measures would have any no adverse spatial implications for the development proposals in terms of delivering the scale and type of development proposed.

- 7.5.73 The proposed surface water design and flood risk assessment for the proposed development is outlined in detail in the RSK report 133187-R1(2)-FRA Flood Risk Assessment and Surface Water Drainage Strategy.
- 7.5.74 In line with current best practice all new surface water flows are designed to replicate the existing greenfield runoff rates and as such all proposed sustainable drainage systems (SuDS) to serve the development site have been modelled on this basis.
- 7.5.75 Consideration has been given to the retention, preservation and improvement of the existing hydrological features including several ponds and a complex system of ditch networks that collect surface water from both within the development area and offsite to the north. and discharge these waters to the existing sewerage systems in Appledore Road.
- 7.5.76 Existing greenfield runoff rates have been calculated in three locations at 5.9 litres per second (L/s); 13.4 L/s and 7.1 L/s, giving a combined peak surface water discharge from the developable areas of the site of 26.4 L/s. All new surface water flows are designed to replicate the existing greenfield runoff rates in line with current best practice and as such all proposed sustainable drainage systems (SuDS) to serve the development site have been modelled on this basis.
- 7.5.77 With the entire development site located within the Environment Agency's Flood Zone 1 area the risk of flooding from fluvial sources represents less than 1 in 1000-year probability.
- 7.5.78 The proposed development takes into consideration the current biodiversity habitat provided by these surface water drainage features and as agreed with the LLFA, the retention, addition, and improvement of all of these features will ensure that the proposed development will offer opportunities to enhance the habitat across the development.
- 7.5.79 The LLFA has advised that to mitigate any flood risk, the surface water design for the proposed development should include the provision of new swales, ditches, ponds, porous paved areas, and attenuation basins to accommodate the required surface water storage for the development in accordance with CIRIA C753 - The SuDS Manual. To this end the SuDS strategy looks to facilitate the retention, preservation, and improvement of the existing hydrological features on the appeal site, including several ponds and a complex system of ditch networks; and introduce new swales, ditches, ponds, porous paved areas, and attenuation basins to accommodate the required surface water storage for the development in accordance with CIRIA C753.
- 7.5.80 In addition remedial works and repairs will be carried out to the existing surface water sewers in Appledore Road to improve their hydraulic performance. These sewers are known to be in a poor state of repair and are thought to have contributed to the historical surface water flooding that is known to have occurred previously in this area.

7.5.81 The introduction of these new SuDS systems combined with the repairs to the existing sewers in Appledore Road will ensure that the risk of flooding in both the proposed development site and the existing properties in Appledore Road is significantly reduced.

7.5.82 In their letter reference ABC/2021/084537 dated 21st July, KCC responded to a planning consultation from ABC. This was an addendum to their earlier 8th June letter and followed their review of additional information submitted on the 22nd June. In summary, their concluding comments in the letter are as follows:-

- The construction of a positive drainage system with flow controls will reduce outflows and provide a significant benefit to surface water flows downstream
- More detail of the hydraulic modelling for the critical storms is required
- More clarity is required to cover the management of flows from the post-development greenfield areas
- Confirm allowances in hydraulic model for offsite catchment contributions along Woodchurch Road boundary
- Clarification of existing ditch flow management strategy requires a more detailed contributing catchment areas plan
- Add existing the ditches which form part of the surface water conveyance strategy to the critical assets plan
- Clearance between proposed homes and watercourses to be a minimum of 5m; 8m if possible
- Consider potential for waterlogging of property where SuDS features are adjacent to boundaries

RSK provided a comprehensive response to the above points in a Technical Note with attached plans reference 133187-LLFA-01(0) dated 2 September 2021 which was submitted to the LLFA before the planning committee on 15th September. See CD 4.23. We note KCC responded by letter dated 24th September 2021 confirming this had addressed all outstanding drainage matters. See CD 4.3.

7.5.83 Given the above, we trust that ABC will confirm that they are no longer pursuing this reason for refusal.

h. That the proposals fail to show the impact of the scheme on the AB70 footpath within the site or any acceptable diversion to it, if it is approved by the Secretary of State; that footpath AB70 would clearly have a significant impact on the spatial layout of the development that is proposed and change the dynamic of the footpath experience itself by passing through a built up residential area rather than a series of fields as at present; that the proposal fails to consider or acceptably incorporate the AB70 footpath within the scheme; and that it therefore does not demonstrate how safe and accessible pedestrian access and movement routes will be delivered and connect to the wider movement network and proactively, looks to connect with and enhance public rights of way whenever possible, encouraging journeys by foot

7.5.84_The existing public right of way (PRoW) (AB12) that runs through the site is to be retained and incorporated into the development. In addition, the detailed part of the development takes into account a recent application to KCC for a Definitive Map Modification Order (DMMO) and provides for a permissive path through the Countryside Open Space, aligned to the claimed route that is subject to the DMMO on a without prejudice basis (footpath Ab70 as referred to in reason for refusal no8. Whilst the appellants believe the route through the residential part of the scheme can be accommodated in any future reserved matters application, they note that KCC PRoW officer considers a plan defining the alignment of the claimed route of AB70 should be shown on the Masterplan and acknowledged at this stage of the application process.

7.5.85 As set out in correspondence with KCC PRoW officer the DMMO to add footpath AB70 to the Definitive Map and Statement of Public Rights of Way has been objected to strongly by the landowners and has therefore been referred to the Secretary of State for determination. Accordingly, there is currently no legally confirmed use of AB70 as a public footpath. Thus given the hybrid nature of the appeal scheme it is in the appellants opinion unnecessary to show the claimed route on the illustrative masterplan when the layout is a reserved matter to be determined at a future date. That said, in order to address KCC PRoW officers concerns the appellant has indicated that they are prepared to agree to the following condition being imposed on any future consent:

'No development shall take place which would permanently obstruct the route of footpath AB70, as shown on the map appended to Definitive Map Modification Order made by Kent County Council on 17th December 2020 (the DMMO), until either a layout has been approved which accommodates the footpath on the line shown on the DMMO or an application has been made and confirmed to divert the footpath. This condition shall not apply if, prior to the approval of the layout forming any part of a reserved matters application, the Secretary of State determines that the DMMO shall not be confirmed'

7.5.86 Given the above, we believe the concerns raised in refusal no8 are unjustified.

i) That in the absence of a unilateral undertaking, the proposal failed to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development

7.5.87 As set out in section 8 of this statement the model S106 obligations concerning sport and open space provision as submitted to Ashford Borough Council's with our response to their Culture, Tourism and Leisure comments, see CD 4.20, looks to address the infrastructure requirements of the development having regard to the aims and objectives of policies COM1, COM2, and IMP1 and IMP4 of the ABLP (2019). It also looks to reflect initial advice received from officers at Ashford Borough Council and the comments received on the appeal proposal, and it is hoped that negotiations will ensure an agreed S106 Agreement can be presented to the Inspector before the inquiry opens. It is thus hoped that the issues raised in refusal no9 can be addressed.

Conclusions on Adverse Impacts

7.5.88 The findings of the DAS, LVA, AIR, EA, FRA, Sports Facilities Supporting Statement and Model S106 obligations submitted with the appeal scheme, as summarised above indicate that the adverse impacts of the development as referred to in the reasons for refusal of 27th Sept 2021 are not justified when considering this appeal. Indeed the appeal scheme actively accords with the provisions of the development plan. If however it were found that the appeal scheme did not accord with the development plan, we would submit that para 11 (d) of the NPPF is engaged given the 5 year housing land supply situation. To this end, in determining whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, as required by paragraph 11 of the NPPF, we will now consider the benefits of the scheme.

7.6 The Development will Deliver a Range of Material Planning Benefits

7.6.1 There are a number of material planning benefits generated by the proposed development, as set out below, which weigh in favour of granting consent:

Table 6 Benefits Generated by Appeal Proposals

	Benefit	Type
1	Provision of up to 73 market dwellings	Social/Economic
2	Provision of up to 72 affordable dwellings (50%)	Social
4	Provision of 8.66ha Country Park/ Countryside Open Space, together with associated play trail,	Social/Environmental
5	Provision of 5 sports pitches and associated pavilion building	Social/Environmental
6	Provision of publicly accessible incidental open space/ amenity space	Social/Environmental
9	Avoiding designated landscapes such as the High Weald AONB	Environmental
10	Avoiding impacts on protected areas such as the Stodmarsh SPA	Environmental
11	Landscape enhancement and tree and scrub planting	Environmental
12	Ecological Enhancement	Environmental
13	Improved links between the site and the wider area	Environmental
14	Managed positive surface water drainage strategy	Environmental
15	Traffic calming introduced along Appledore Road	Environmental
17	New bus stops on Woodchurch Road	Environmental
18	Provision of energy efficient homes exceeding policy requirements	Environmental
19	Short-term economic benefits from construction	Economic
20	Long-term economic benefits from S106	Economic/ Social

- 7.6.2 Cumulatively the appeal scheme will deliver and provide significant benefits which demand very substantial weight.
- 7.6.3 In the context of the above, we note that in commenting upon the social role of planning the NPPF seeks to promote strong, vibrant, and healthy communities by providing a supply of housing required to meet the needs of present and future generation and by fostering well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. For the reasons set out in this statement we consider that the proposed development satisfies the social dimension of sustainable development.
- 7.6.4 In environmental terms it is important to note that the proposed development is on land that is free from any national environmental designations, i.e. Area of Outstanding Natural Beauty which cover large parts of the Borough¹⁷. We also note the overriding need in the NPPF to ensure that the intrinsic character and beauty of the countryside is recognised, and that development should contribute to protecting and enhancing the natural, built, and historic environment. The statements submitted in support of this appeal seek to demonstrate how this objective will be met. As such, and given the above, it is considered that the proposed development satisfies the environmental dimension of sustainable development.
- 7.6.5 The table above addresses the economic role of planning, whilst the previous sections of this statement address the issues of access to local services and facilities. In addition, as set out in the Planning Statement that accompanied the appeal scheme, the proposed development seeks to make the most efficient use of the site, provide for biodiversity net gain, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.
- 7.6.6 Whilst we believe the proposed development reflects the three dimensions to sustainable development as set out in the NPPF, having regard thereto we would highlight:

¹⁷ See paragraph 9.27 of ALP.

The Economic Role

7.6.7 Policy HOU5 of the ABLP provides for Residential Windfall Development on sites adjoining or close to the existing built up confines of Tenterden subject to a number of caveats. As set out above we believe the proposed development complies with policy HOU5, and that the appeal site would constitute the right type of land, in the right place at the right time to support growth. In addition, as set out in Lichfields report (Tenterden Growth and Community Services), the proposed development would result in the creation of both construction jobs and additional indirect and induced construction-related jobs during the build period. The additional population would generate more spending in the local community, which in turn will support further jobs especially in retail, leisure, hospitality, and catering. The proposed development would also generate New Homes Bonus funding and additional Council Tax receipts of circa £278,000 per annum, and significant S106 contributions (see section 6.15 below). As such it is considered that the proposed development satisfies the economic dimension of sustainable development.

JAA Table 7 – Economic Benefits Stemming from Development

Total capital investment	£23.3 million
New construction jobs	259 103 direct construction jobs and 156 indirect jobs
GVA from additional construction jobs	£17.8 million
Additional jobs generated upon completion	20
More spending in the local community	£2million net per year
New Homes Bonus funding	The New Homes Bonus Calculator for Ashford shows a lower tier payment to the Council for one year of £48,628.00 and a total payment of £194,512.00 over four years.
Additional Council Tax receipts	£278,000.00 pa

7.6.8 In addition to the above, as set out in the Sports Facilities Supporting Statement the proposed development would generate a capital investment of circa £1.2 million (+) (including fees), in sports facilities, which would result in a high-quality sports hub facility that will support both sports and wider community uses. Further to this a contribution of circa £1.4 million for the 10 year commuted sum maintenance would also be provided.

7.6.9 These are all factors that should attract substantial weight in favour of the development.

Social Role

7.6.10 The provision of up to 145 new dwellings will make a contribution to the boroughs housing supply and will help meet the identified need, particularly in respect of affordable homes (up to 72 dwellings). Thus, it would help to ensure there is a sufficient number and range of homes being provided in the area to meet the needs of present and future generations. This should attract significant weight in favour of the scheme

7.6.11 In addition, the proposed development, in providing a 8.66ha Countryside Open Space, and 3.33ha of land to be used as formal sports pitches together with pavilion to serve the proposal and the surrounding area, children's play areas and community orchard, will, as set out above, actively help address the recreational needs of the area. This should attract significant weight in favour of the scheme.

- 7.6.12 The proposed development also provides an opportunity to expand/consolidate/introduce new services and infrastructure, through S106 contributions towards transport improvements, education services, library services, community facilities etc.
- 7.6.13 In accordance with paragraph 8 of the NPPF the appeal site will be accessible to local services that reflect the community's needs and will support the existing and future communities' health, social and cultural well-being. The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environments, with accessible local services that reflect the community's needs and supports it health, social and cultural wellbeing. It can be considered that the proposed development satisfies the social dimension of sustainable development.
- 7.6.14 The social benefits of the proposed development should thus attract substantial weight in favour of the development.

Environmental Role

- 7.6.15 The proposed development is on land that is free from any national environmental designations, i.e. Area of Outstanding Natural Beauty or National Park. Albeit we note that site abuts the High Weald AONB.
- 7.6.16 Notwithstanding the above, there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised, and that development should contribute to protecting and enhancing the natural, built, and historic environment. The statements submitted in support of the appeal scheme, especially the LVA, Landscape Heritage Assessment and Ecological Assessment seek to demonstrate how this objective will be met.
- 7.6.17 In accordance with paragraph 8 of the NPPF the proposed development provides an opportunity to enhance and actively increase the biodiversity on the site. As set out in the LVA, the proposed development has been designed to ensure the majority of the existing landscape features are retained and incorporated within the development; and where existing features are lost, their loss will be mitigated by substantial new tree planting, reinforcing the Site's landscape character. In addition, as set out in the Ecological Impact Assessment the Countryside Open Space,, children's play areas and community orchard, along with the proposed SuDs features and ecological enhancement works will improve the biodiversity of the site overall.
- 7.6.18 In addition the proposed development will look to make the most efficient use of the site, provide for biodiversity net gain, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change.
- 7.6.19 These factors should attract substantial weight in favour of the development.
- 7.6.20 Given the above it is considered that the proposed development satisfies the environmental dimension of sustainable development.

7.8 Consideration of all other aspects of the Appeal scheme and the Planning Balance

- i) Other aspects of the Appeal scheme

- 7.8.1 The Appellant considers the scheme to meet with the Council's policies and standards in all other respects.

7.8.2 Housing Mix: Whilst, as an outline application, the overall unit mix has yet to be determined, the illustrative masterplan submitted with the appeal proposal demonstrates how a scheme that encompasses 1 and 2 bed apartments and 2, 3 and 4 bed houses could be accommodated on this site. Thus, the proposed development provides for a range of different house types and sizes, albeit directed towards the provision of family sized housing so as to reflect the character of the area, the aims and objectives of Policy HOU18, and local market demand.

7.8.3 The illustrative housing mix proposed in the scheme is summarised in Table 8 below.

Table 8 – Proposed mix

	Private	% of private	% of total	Affordable	% of affordable	% of total	Total	% of total
1 bed flats	4	5.63%	2.84%	20	28.57%	14.18%	24	17.02%
2 bed flats/ houses	20	28.17%	14.18%	27	38.57%	19.15%	47	33.33%
3 bed houses	29	40.85%	20.57%	19	27.14%	13.84%	48	34.04%
4 bed houses	18	25.35%	12.77%	4	5.71%	2.84%	22	15.60%
Total	71	100%	50%	70	100%	50%	141	100%

7.8.4 Policy HOU18 cross refers to the SHMA (2014), which at paragraphs 8.29 and 8.32 recommends the following mix be sought for affordable and market dwellings.

Table 9 – Housing mix advocated in 2014 SHMA

	Affordable	Market
1 bed	25%-30%	5%-10%
2 bed	35%-40%	30%-35%
3 bed	25%-30%	40%-45%
4 bed	5%-10%	15%-20%

7.8.5 The proposed mix reflects the aims and objectives of policy HOU18 and thus also policy SP1(g) of the ABLP. Furthermore, in providing 50% affordable housing the appeal scheme exceeds the requirements of policy HOU1 of the ABLP. The proposed tenure split being open to negotiation given the need to accommodate First Homes and ABC's affordable/ social rent and shared ownership requirements.

7.8.6 Density of Development: Whilst the appeal proposals are presented in outline form, an illustrative layout has been provided to demonstrate how up to 145 dwellings could be accommodated on a site of circa 24.45ha (60.42 acres). As set out above, 8.66 ha is set aside to accommodate the Countryside Open Space, and 3.33ha for the sports facilities. This leaves a residual area of 12.35ha. 145 dwellings on an area of circa 12.35ha will generate a density of 11.74dph. This compares favourably with adjacent existing development patterns on the edges of Tenterden which, as set out in the DAS that accompanied the appeal submission have generated a gross density of between 13 and 23 dph.¹⁸

¹⁸ Tent 1 has a gross density of 20.8dph, and Tilden Gill 18.3dph.

- 7.8.7 As however some of this area will be set aside to provide open space including children's play areas, community orchard, sustainable drainage systems, primary roads, landscape buffers and green links on the site, the actual developable area (i.e. area set aside for new housing) will be less and the density greater. The DAS explains how the development parcels vary across the site, with those more closely related to the edge of Tenterden shown at around 40-45dph which reflect similar densities seen in other recent local developments¹⁹, with those further towards the edge of the development reduced to 30-35dph and then 25-30 dph, which are generally lower than comparable densities, and will contribute to a sense of a new rural edge fronting the new Countryside Open Space,. The overall development area being circa 5.25ha such that the net residential density is 27.62dph²⁰
- 7.8.8 The above reflects the desire in the NPPF to make the best use of land whilst preserving the character and appearance of the surrounding area.
- 7.8.9 Access and Safety: Three accesses into the site are proposed: one to Appledore Road for all modes, and one for pedestrian, cycle, and emergency vehicles only, and one to Woodchurch Road for pedestrian and cyclists only. All three accesses have been demonstrated to maintain a safe highway network, are in accordance with the requirements of Kent Design Guide, with the proposed eastern Appledore Road access acceptable for future adoption by KCC Highways.
- 7.8.10 A series of traffic calming measures along Appledore Road have been agreed between the Appellant and KCC Highways, and endorsed by the Kent Police Constabulary, to support a reduction in the speed limit along Appledore Road adjacent to the site, including a new zebra crossing facility. will enhance highway safety for existing users along Appledore Road, all future occupiers, and visitors to the site.
- 7.8.11 The evidence will therefore demonstrate that safe access to the site can be achieved for all users and that there are no significant impacts on highway safety in accordance with national policy.
- 7.8.12 Network Capacity: Individual junction traffic assessments were undertaken as part of the TA. The extent of assessment was agreed with KCC highways during pre-application scoping discussions. The assessments show that vehicular traffic generated by the appeal proposal can be accommodated with mitigation on the existing highway network, with minimal additional queueing expected. Evidence will demonstrate that in no location is the highways impact considered 'severe' in NPPF terms; a position agreed with KCC highways.

¹⁹ Whilst Tent 1 has a net density of 30.3 dph, some parcels are at 44.4dph, similarly whilst Tilden Gill has a net density of 30.5dph, some parcels are at 40.4dph.

²⁰ $145/5.25 = 27.62$

- 7.8.13 The form and layout of the highway, and the car and cycle parking within the site is only a matter for determination within the detailed application area towards the sports pitches. The proposed layout demonstrates parking provision sufficient to accommodate the anticipated demand. The street designs, including parking layout and street geometries have been tested and agreed with KCC Highways to provide a safe network suitable for adoption.
- 7.8.14 The appeal submission was supported by a Travel Plan to ensure that sustainable modes of transport are promoted to future occupiers, to seek to reduce their reliance on travel by private car. The highway assessments made no allowance for a shift from car based travel to sustainable modes that may be achieved by meeting the Travel Plan goals, and therefore provides a robust scenario.
- 7.8.15 The evidence will demonstrate that safe and suitable access can be achieved for all users and any significant impact from the development on the capacity of the highway network can be cost effectively mitigated to an acceptable degree in accordance with paragraph 110 of the NPPF.
- 7.8.16 Evidence will be presented to demonstrate how the provision of the Countryside Open Space and associated facilities reflects the aims and objectives of the Council's Open Space Strategy (2017), and how future management arrangements will reflect the approach promoted by policy IMP4 of the ABLP (2019), such that the proposed development would provide future residents with more than sufficient amenity space to meet their needs and therefore accords with the aims and objectives of policies SP1 (e), COM1 and COM2 of the ABLP (2019)
- 7.8.17 Built (Cultural) Heritage: The appeal scheme included a Heritage Statement (HS). The HS explains that there are no known nationally or locally designated heritage assets within the boundaries of the appeal site other than the very small area of overlap with the Conservation Area. It goes on to advise that Heritage Assets in the vicinity identified for further assessment on the basis of their proximity, intervisibility, and/or known historic association with the site (i.e. in terms of land ownership and/or functional use) comprise:
- St Mildred's Church and the Tenterden Conservation Area;
 - Grade II Listed Stace House located c. 50m west of the site; and
 - Grade II Listed Craythorne located c. 95m north-west of the site.
- 7.8.18 The HS also explains that other heritage assets have been excluded on the basis of a lack of intervisibility or known historic association with the site.
- 7.8.19 The HS concludes that with regards to the works proposed within the Conservation Area, these would preserve the character and appearance of the area.
- 7.8.20 With regards to development beyond the Conservation Area, including the proposed traffic calming measures along Appledore Road, the HS indicates that this would cause no harm to the heritage significance of Tenterden Conservation Area, through changes to setting/ would not adversely affect the character and appearance of the conservation area²¹..
- 7.8.21 Likewise the HS concludes that the proposed development is not anticipated to cause any harm to the heritage significance of the Grade I Listed church of St Mildred, the Grade II Listed Stace House or the Grade II Listed Craythorne through changes in setting.

²¹ See para 6.46 of HS

7.8.22 The HS concludes:

'Consideration of the views to St Mildred's Church has been a key consideration in the design of the proposed masterplan. Three view corridors have been created to frame views of the church from the higher ground crossed by public footpath AB12 (See DAS Section 3.10 – Key View Photomontages, and the LVIA, Viewpoint 5, Viewpoint 9, and Viewpoint B).

In these views, the tower of the church will still be visible above the line of vegetation within the Conservation Area, maintaining views to the asset from this general area.

The change within the views and the blocking of some other views from the high ground will cause no harm to the heritage significance of the Church or the Conservation Area, as they make no particular contribution to the heritage significance of the assets, being distant views to the church from this general area which are not illustrative of its architectural detail, its topographic situation on a local high point, or its location within the historic settlement core. The change of character of the site may also be glimpsed from Appledore Road on the approach to the Conservation Area and on its edge. These changes on the approach to the Conservation Area that is flanked by modern housing would cause no harm to the heritage significance of the asset through setting.

In summary, the proposed development would preserve the character and appearance of the land within the Conservation Area, and cause no harm to the heritage significance of the church of St Mildred and the Tenterden Conservation Area through changes in setting. Furthermore, no harm is anticipated to any other designated heritage assets.

7.8.23 We note that the case officer at paragraphs 91 and 92 of his committee report states:

'In terms of conservation area setting, the applicant's masterplan is different from the dismissed appeal in that a greater extent of buffer between homes and the edge of the conservation area is now proposed. This being the case, and given the nature of this edge to the conservation area, I consider that harm to the setting of the conservation area would be difficult to demonstrate in practice.

There are two listed buildings Stace House and Craythorne House (both Grade II) located to the west of the site at the Woodchurch Road/ Beacon Oak Road junction. Policy ENV13 ALP states that development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Stace House is the nearest listed building and occupies a prominent position at the built crossroad adjoining the southwest corner of the site. The development would be set back behind hedgerows and some trees and due to the separation distances I consider that it is unlikely to result in significant harm to the setting of this listed building, the same would apply to Craythorne House located on the opposite side of the Woodchurch Road.'

7.8.24 Having regard to the above, and as this appeal scheme includes large greenways that provide strategic viewing corridors through the site from the east, towards the town and St Mildred's Church, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) ENV13, and ENV14 of the ABLP (2019).

7.8.25 Archaeology: The appeal submission included an Archaeological Desk-Based Assessment (ADBA). The ADBA explained that whilst the study site has low archaeological potential for significant archaeological evidence for all periods, there is a high potential for archaeological evidence relating to Post Medieval agricultural activity in the north-western corner of the study site. It goes on to advise that any archaeological features that may be present on the study site would probably be of local importance, and that any archaeological investigation, if required by the Local Planning Authority, could be secured by an appropriately worded archaeological planning condition. KCC Heritage having reviewed the ADBA commented that the site had potential to contain as yet unknown archaeological

STATEMENT OF CASE

remains and important archaeological landscape features and that this issue could be addressed through a condition requiring the implementation of archaeological field evaluation for approval by the LPA.

- 7.8.26 Having regard to the above and the fact the case officer at paragraph 146 of his committee report concluded that there could be no objection to the scheme on archaeological grounds, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) ENV13 and ENV15 of the ABLP (2019).
- 7.8.27 Historic Landscape: The appeal submission also included an Historic Landscape Assessment (HLA). The HLA summarises and supplements the information provided within the ADBA and the Heritage Statement (HS) (see above). Together the HS, ADBA and HLA form an integrated study of the impact of the proposed development on the historic environment.
- 7.8.28 The HLA explains that the appeal site has comprised agricultural land for all of its recorded history, comprising predominantly pasture fields, ponds and a trackway. It goes on to explain that the trackway as shown on the 1843 Tithe map crossed the southern portion of the site and ran from Gallows Green/Appledore Road in the west to the east-northeast, separating the pasture land to the north (belonging to Eastgate) from the two arable fields to the south (belonging to Place Farm); and that it is possible that this route once linked with Woodchurch Road adjacent to Two Acre Wood via a continuation of the trackway, which is visible on the Lidar data but not recorded on historic maps.
- 7.8.29 The HLA goes on to advise that the historic land divisions, as noted on the 1822 Adams map of Tenterden and the 1843 Tenterden Tithe Map, indicate an area of pre-enclosure irregular fields with sinuous boundaries, most likely assarts, with some later straight-line boundaries inserted, the latter which have since been removed.
- 7.8.30 Having regard to the above, the HLA suggests that the historic landscape character of the site is one exhibiting considerable time depth and coherence, with no historic boundary loss and the survival on site of various historic landscape features pre-dating 1845, including hedgerows, mature trees, ponds, and trackways.
- 7.8.31 The HLA also suggests that the area of Gallows Green, which also gave its name to a group of cottages and two fields as recorded in the Tithe Map, has been identified as lying outside of the study site in the area alongside the present Appledore Road, and will not be impacted by the proposed scheme. In essence Gallows Green, and the likely site of the gallows themselves, has already been redeveloped for housing.
- 7.8.32 The HLA also advises that the presence of 'Important' hedgerows and other historic landscape features should not preclude development. Indeed, it confirms that the development proposals preserve, where possible, the hedgerows themselves or the boundaries they represent, physically or in design, and applies the same principle to other historic landscape features identified in the assessment.
- 7.8.33 The HLA concludes that:
'The development scheme has sought to minimise the impact to the historic landscape through a combination of retention and avoidance, and sympathetic development at a scale and grain which will fit comfortably into its surroundings'
- 7.8.34 In the context of the above we were surprised that in their consultation response to the appeal scheme KCC heritage indicate that:

“The site does appear to contain some surviving archaeological landscape features which may be considered to form components of an important historic landscape, including hedgerows, footpaths, boundary marker trees, ditches, ponds, quarries, small field system, etc. The archaeological landscape assets of most interest seem to be the site of a gallows, two patches of ridge and furrow, springs, quarries and ponds, and a trackway towards the southern end of the proposed development site.”

7.8.35 Whilst these features may collectively contribute to the historic landscape of the Site, the landscape itself is not ‘important’: it is a non-designated heritage asset and does not meet any criteria for national heritage designation. In terms of heritage value, it is a landscape of low, local historic interest.

7.8.36 The KCC Heritage then go on to offer some specific comments on what are described as ‘archaeological landscape assets’ which include the site of a gallows, two patches of ridge and furrow, springs, quarries and ponds, and the trackway towards the southern end of the proposed development site. Taking each in turn, and having regard to our submission of the 31st August 2021 (see Core Document 4.22) we would highlight the following:

(i) The site of the Gallows

7.8.37 KCC heritage acknowledge that *‘Early maps refer to Gallows Green, Gallows field names, etc but there does not seem to be a definitive site of the gallows. It seems likely it was located on the area where Appledore Road is shown to widen out on the Tithe Map, south of Limes Land Farmhouse’* and that *‘Gallows sites are fairly typical elements of the wider historic setting of a medieval and post medieval town and may be considered of local significance and as such may be considered important at a local level’*, i.e. they are of low, local significance only, and constitutes a non-designated heritage asset.

7.8.38 RPS, (the appellants landscape heritage consultant) and the scheme’s objectors, have undertaken a considerable amount of research into this issue of the siting of the gallows and what can be construed as ‘Gallows Green’. The evidence all points to the area of the gallows, and thus the ‘green’ on which the gallows sat, as laying outside of the appeal site, within an area that has already been built over. Further evidence will be submitted to address this point and how it may be addressed through the archaeological mitigation strategy, such that it does not preclude the development of the appeal Site.

(ii) The remnant historic ridge and furrow

7.8.39 The letter from KCC Heritage notes that *“There are two areas within the site which may be remnant historic ridge and furrow, one in the northwest part of the site and the other in the northern part. Surviving ridge and furrow is not common in Kent and is a landscape heritage asset meriting sympathetic and appropriate consideration, including preservation in situ as a preferred option.”*

7.8.40 Only one area of ridge and furrow is upstanding and is visible on the ground, as shown on Plate 7 of the HLA, located in field parcel F1: this area is not being developed as part of the proposed scheme and is indeed being preserved in situ. The other potential area of medieval or later ridge and furrow is in field parcel F3, which is only apparent from Lidar data, with no extant surface features. It has also been partially destroyed by a large depression, which the local heritage group has identified as being a WWII bomb crater. As such, the surviving part of a small area of possible ridge and furrow with no above-ground legibility here is not an asset where it would be proportionate nor reasonable to expect it to be preserved in situ. It is not of schedulable quality, nor would it meet any criteria for

landscape or heritage designation. Further evidence will be submitted to address this point and how heritage enhancement measures and suitable archaeological mitigation can be secured by condition to adequately address any impacts from the proposed development in this area, and how this would be a proportionate and reasonable response and in line with national planning policy and guidance.

7.8.41 In the context of the above, we note that KCC’s heritage officer did not raise the issue of any impact to the sub-surface possible ridge and furrow area in field parcel F3 when commenting upon the previous 2019 scheme.

(iii) The trackway/ Former Droveway towards the southern end of the appeal site

7.8.42 The track towards the southern end of the Site is described by KCC’s heritage officer as “*Another focus of concern*”. It is unclear what the concern here is, as the current masterplan clearly retains the former trackway and the existing planting along its length as it currently survives in the landscape. At present, the trackway is only clearly discernible in field parcel F5 (see Plate 8 in the HLA) and will not be impacted by any element of the proposed development in this area, which has been set back away from it. Again, further evidence will be submitted to address this point and how appropriate and proportionate heritage enhancement measures for this area can be secured by condition, as recommended by KCC’s heritage officer.

(iii) Existing ponds

7.8.43 KCC Heritages letter also state that “*There has also been some concern expressed regarding the assessment of “ponds” on the site.....These ponds are part of the archaeological landscape and it would be preferable to integrate them into the masterplan rather than introducing new ponds and channels.*” As Figure 2 of our submission of the 31st August demonstrates, the current masterplan does indeed retain and integrate the existing ponds into the development: the introduction of new ones is a SUDS issue but inserting ponds into this landscape is in keeping with its current historic landscape character and is not introducing an alien feature.

7.8.44 We note that KCC Heritages letter goes on to state that “*With regard to the RPS HLA, overall it is still my view that the assessment is based on documentary evidence; sound references are used; it has been compiled by a historic landscape specialist; and the interpretations are evidence-based as far as possible at this initial stage.*”

7.8.45 As set out in our submission of the 31st August, the HLA was used to guide the revised masterplan layout which has significantly decreased the quantum of development whilst retaining and respecting the key historic landscape elements which characterise the Site. Archaeological landscape mitigation is fully embedded in the design of the scheme, and can be secured by condition, as recommended by KCC’s heritage officer, including suitable long term management, protection and interpretation.

7.8.46 Having regard to the above, the proposed development would in our opinion accord with policies SP1 (c) HOU5 (e) ENV13 and ENV15 of the ABLP (2019).

7.8.47 Privacy and amenity of adjacent residents: Whilst the scheme is presented in outline form an illustrative layout has been provided to demonstrate that there would be no adverse impact on the privacy and amenity of adjacent residents. The illustrative site layout shows that the proposed houses situated along the southern boundary of the site are, at the closest, circa 10m from the boundary with the existing dwellings in Appledore Road and

Limes Close, and that back to back distances are 30 - 45m. Likewise, the illustrative site layout shows that the proposed houses situated along the western boundary of the site are, at the closest, circa 10m from the boundary with the existing dwellings in Woodchurch Road, and that back to back distances are in excess of 60m. The spatial separation between the proposed development and existing dwellings is thus considerably greater than the 21m back to back distances normally accepted on new developments.

7.8.48 Given the above and the fact the boundary vegetation is to be retained and supplemented by further planting, we do not feel that the proposed development would detract from the privacy and amenity of adjacent residents.

7.8.49 The Design and Access Statement also demonstrates that the proposed football pitches and pavilion are over 40m from the nearest properties in Appledore Road. Given the fact the hours of use of the proposed football pitches and pavilion can be controlled by condition, that there is no floodlighting proposed, and that the boundary vegetation is to be retained and supplemented by further planting we do not believe that this element of the proposed development would detract from the privacy and amenity of adjacent residents.

7.8.50 In the context of the above we note that the Case officer in paragraph 94, 95, 96 and 97 of his committee advises that:

'Details of the scheme are a reserved matter. However, the submitted masterplan shows the extent of the developable area and the general relationship that the scheme would have with neighbouring dwellings. The Woodchurch Road dwellings would have their rear gardens adjoining the site. The developable areas as shown on the masterplan are setback from this boundary by a green 'buffer' The closest parts of the developable area are shown as mostly access road with the nearest being approximately 12m away from the nearest rear garden boundary, with other parts of the developable area sited further distant. The dwelling to dwelling distances i.e. rear elevation of the Woodchurch Road dwellings to the proposed dwellings would be at least 50m. Although I accept there would be major change in the outlook from these existing dwellings as a result of grassland replaced by substantial residential development, the actual physical relationship in terms of overlooking is not objectionable and so an acceptable standard of privacy and residential amenity would be provided

95. The proposed dwellings are also setback from the existing Appledore Road dwellings. However, some of the existing dwellings along the southern boundary, notably at Limes Close and Briar Court, are located in proximity to application site boundary. Again, I accept there would be a major change in the outlook from these dwellings but I consider that acceptable relationships could be achieved here including distances between primary frontages of new and existing dwellings of at least 21m (and in some instances more).

96. The proposed dwellings are also setback from the existing Appledore Road dwellings behind a narrow green buffer and proposed access road. Some of the existing dwellings along the southern boundary, notably at Limes Close and Briar Court, are located in close proximity to application site boundary. Again, I accept there would be a major change in the outlook from these dwellings but I consider that acceptable relationships could be achieved here including distances between primary frontages of new and existing dwellings of at least 21m (and in some instances more)

The proposals would involve a new western pedestrian/cycleway access to the Appledore Road that would run between the curtilages of existing dwellings and involve pedestrian/cyclist movements into and from the development. There would also be a new footpath/cycleway to the Woodchurch Road between existing residential dwellings. Neither of these I consider would be objectionable in terms of their impacts on residential amenity. The new eastern vehicular access would involve a far greater vehicular use than at present as this serves the sports use that takes place here but would not result in any adverse

STATEMENT OF CASE

amenity loss to neighbouring dwellings and neither would the use of the playing fields, country park and pavilion give rise to any such harm.'

- 7.8.51 Given the above consider that the proposed development would accord with policies SP1 (d), SP6 and HOU5 (f(v)) of the ABLP (Jan 2019).
- 7.8.52 Foul Water Drainage: As the drainage authority responsible for foul water sewerage in and around Tenterden, Southern Water Services (SWS) had confirmed that the proposed foul water sewage flows for the previous scheme (up to 250 units) had been incorporated into their current network planning. Southern Water further acknowledged their responsibilities to provide capacity to accommodate the needs of the proposed development upon any planning consent and that any funding for possible reinforcement works would be funded through the New Works Infrastructure Charge as well as Southern Water's Capital Works Programme.
- 7.8.53 As a result of the above SWS did not object to the previous application. Instead, conditions were sought controlling various matters, including phased works and potential sewer diversions. In their comments on the appeal scheme (letter dated 11/06/2021), SWS advise that it *'may be possible for some initial properties to connect with the current capacity in the network, pending network reinforcement to provide capacity for the remaining properties. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required'*. They go on to request that: *'the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development'*
- 7.8.54 Given the above and having regard to the content of paragraph 139 of the case officers report to committee, we believe the foul water drainage strategy to comply with Policy ENV8 of the ALP 2030.
- 7.8.55 In addition to the above we note that the appeal site does not lie within the Stodmarsh Catchment and that its delivery would not be prejudiced by this matter.
- 7.8.56 Air Quality: The appeal proposals encompass an Air Quality Assessment that looks to address the generation of dust as a result of construction activities; and the generation of exhaust pollutants from operational phase traffic. It indicates that:
- i. The assessment of dust generating activities has deemed that the site is of medium risk to both dust nuisance and health effects, and suitable mitigation measures have been recommended.
 - ii. The assessment of the impact of vehicle emissions at receptors has predicted that the magnitude of change at all receptor locations is 'negligible'. Therefore, given that all impacts are predicted to be negligible, the overall significance of the effect of the vehicle emissions associated with the operational phase of the Proposed Development on local air quality is deemed to be 'not significant'.
 - iii. The five-year exposure cost has been calculated as £30,909.00 The estimated total cost of proposed mitigation measures by the developer has been calculated as £195,575. Because the total mitigation cost exceeds the five year exposure cost, the proposed mitigation measures are considered financially sufficient.
- 7.8.57 The AQA concludes:
'In summary, providing the suggested mitigation measures are taken, the Proposed Development will not have a significant impact on local air quality.'

STATEMENT OF CASE

- 7.8.58 Given the above and the fact that ABC's Environmental Protection officer has raised no objection to the air quality assessment submitted with the appeal submission, subject to conditions including those requiring the air quality mitigation measures specified in the submitted Air Quality Assessment to be installed prior to occupation of each unit, and instillation of electric vehicle charging points prior to the first occupation of each dwelling, we believe that no adverse impacts have been identified, that the appeal scheme complies with Policy ENV12 of the ABLP and that this is an issue that can be addressed by condition. We further note that the case officer appears to concur with his view given para 100 of the committee report of the 15th September 2021
- 7.8.59 Ground contamination: The Ground Appraisal Report submitted with the appeal scheme indicates that the appeal site has been the subject of preliminary intrusive investigation comprising:
- The construction of 40No. machine excavated trial pits to depths of up to 3.00m.
 - Trial pit soakage tests in general accordance with BRE Digest 365 within approximately 16 trial pits situated across site.
 - 24No. window sample boreholes to a depth of 4.00m below ground level (bgl) with regular in situ testing and sampling.
- 7.8.60 Based upon these site investigations the Ground Appraisal Report advises that in terms of Soil Contamination vs. End Users remedial measures are not considered necessary to protect future end users of the development from soils on site. In terms of Ground Gases & Vapours the Ground Appraisal Report advises that whilst no significant concentrations of ground gases were encountered during the return monitoring, and that remedial measures to protect end users of the proposed development are unlikely to be required, given the fact that potential sources were identified, some further testing was recommended and has been instructed.
- 7.8.61 Whilst, given the findings of the Ground Appraisal Report the risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems appears to be minimal, as such the development ought to be capable of being carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, a suitable worded condition requiring further investigation prior to development commencing is thought to be prudent.
- 7.8.62 ABC's Environmental Protection officer has raised no objection to the appeal proposals subject to conditions, including the reporting of any unexpected contamination, the associated investigation and risk assessment of said contamination, and where remediation is necessary, the prepared of a remediation strategy, and following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out.
- 7.8.63 Given the above it is clear that no adverse impacts have been identified and that this is an issue that can be addressed by condition. We further note that the case officer appears to concur with his view given para 141 of the committee report of the 15th September 2021
- 7.8.64 Minerals: Parts of the appeal site are designated as a Mineral Safeguarding Area (MSA) in the Kent Minerals and Waste Local Plan (KMWLP) (2016). The northernmost mineral safeguarding area relates to Sandstone which is part of the Tunbridge Wells Sand Formation. The southernmost mineral safeguarding area relates to Sandstone that is part of the Wadhurst Clay Formation. Both mineral resources are designated as potential sources of building stone. Having reviewed the Minerals Assessment that accompanied the previous application Kent Mineral and Waste as Mineral Planning Authority indicated that

STATEMENT OF CASE

they were satisfied that safeguarding exemption criterion 5 of policy DM7 of the Kent Minerals and Waste Local Plan was applicable. As such they raised no objection to the previous proposals. As the minerals situation has not altered, whilst the Mineral's Planning Authority do not appear to have commented upon the appeal submission we believe this is not an issue which would prevent the site being developed.

7.8.65 Infrastructure: The appeal proposals were accompanied by draft Heads of Terms for a Section 106 Agreement. This was prepared in the light of Policies COM1, COM2, and IMP1 and IMP4 of the ABLP (2019) and looked to reflect initial advice received from officers at Ashford Borough Council and the comments received in respect of the former application for the redevelopment of this site, in particular those from ABC Culture and Env Officer, KCC Economic Development, KCC Highways, the NHS Trust and Sports England. Given the comments received on the appeal proposal a draft Section 106 Agreement or Undertaking will be available for the Inspector to review at the Inquiry.

ii) The Planning Balance

7.8.66 The Appellant will present evidence in the light of the above that the planning balance rests firmly in favour of granting planning permission. The appellant believes the appeal scheme to comply with the development plan and that para 11c of the NPPF thus applies. If however the Inspector does not concur with us on this point, given the five-year housing land supply situation the "most important" policies for determining the appeal would be out of date and para 11d applies. To this end there are significant benefits associated with the appeal scheme and the adverse impacts of the development do not significantly and demonstrably outweigh these. Therefore, in all cases, the appeal should be allowed.

7.8.67 There are material considerations which weigh heavily in favour of the development such as the housing need. The appeal proposals would assist in the provision of housing and meet the need for affordable housing. This is a material consideration, and the weight to be attributed to it will be set out in our detailed proof of evidence. The appeal proposals also provide substantial areas of public amenity, including a 8.66ha Country Park / Countryside Open Space, and 3.33ha of land set aside for sports pitches and a pavilion building designed to relevant Sport England and Football Association standards which are also material considerations.

7.8.68 The proposed scheme is considered to represent sustainable development in accordance with the NPPF and the ABLP.

7.8.69 As a result of the above we consider the appeal site is ideally situated to accommodate further growth in a sustainable manner as defined by paragraph 8 of the NPPF. Furthermore, this statement demonstrates that the impact of the proposed development as identified in the reasons for refusal are not substantiated, whilst the benefits are significant.

7.8.70 The overall planning balance, encompassing the various benefits and limited disbenefits is set out in the table below. The weight that should be afforded to them will be set out in our detailed proof of evidence.

STATEMENT OF CASE

Table 10 - The overall planning balance

Issue	Benefit/ Harm
Market Housing	Benefit
Affordable Housing	Benefit
Country Park / Countryside Open Space	Benefit
Sports pitches	Benefit
Further publicly accessible incidental open space	Benefit
Avoiding designated landscapes such as the High Weald AONB and creating a large open landscape buffer to the AONB	Benefit
Avoiding impacts on protected areas such as the Stodmarsh SPA	Benefit
Landscape enhancement and tree and shrub planting	Benefit
Ecological enhancements, resulting in a BNG	Benefit
Improved links between the site and the wider area	Benefit
Managed positive surface water drainage strategy	Benefit
Traffic calming introduced along Appledore Road	Benefit
New bus stops on Woodchurch Road	Benefit
Provision of energy efficient homes exceeding policy requirements	Benefit
Short-term economic benefits from construction and employment spending	Benefit
Long-term economic benefits from new residents spending in the local area	Benefit
Localised Impact on landscape character of area	Harm
Localised impact on views from footpath AB12 and private residences	Harm

7.8.71 Having regard to the above and paragraph 11 of the NPPF we consider the planning balance to be in favour of development and that planning permission should be granted accordingly.

8.0 Third Party Representations

- 8.1 There have been numerous objections from local residents to this appeal scheme, together with a petition signed by hundreds of people, and a detailed objection from Tenterden Town Council. These raise a number of issues including:
- a. Outside settlement boundary and not allocated for development
 - b. The application proposal conflicts with the ALP vision and not comply with the relevant criteria of Policy HOU5 of the ALP. As a result, the site would not be a suitable location for the proposal, with regard to the development plan, the character and appearance of the area
 - c. The application proposal is in direct contravention with Strategic Policies SP1, SP2, SP6, SP7, plus ENV1, ENV3a, ENV5, ENV6, ENV9, ENV12, ENV13, TRA2, TRA7 and HOU5 of the ALP. These policies seek, amongst other matters, to focus development at accessible and sustainable locations, seeking development with high quality design that protects public rights of way, conserves and enhances the natural environment, and conserves and enhances designated heritage assets and their settings
 - d. No need for further housing / Tenterden has taken its fair share of housing
 - e. Previous applications (in 1987) and local plan promotions (1996/2006 and 2016) have all failed
 - f. The Strategic Housing and Employment Land Availability Assessment 2017/18, confirms the site is unsuitable for development
 - g. The “affordable” housing will not be affordable to most people
 - h. The scale of the development is out of proportion to the size of the town
 - i. The number of units proposed, and the layout shown on the illustrative layout completely fails to reflect that of its surroundings
 - j. No need for sports facilities/ country park / alternative options available
 - k. Deliverability, future funding and management of sports facilities and county park is not clear
 - l. Loss of valued open space
 - m. Harm to landscape character of the area
 - n. Impact on setting of the town
 - o. Impact on views of St Mildreds church / across the AONB
 - p. Adverse impact on neighbouring residents
 - q. Loss of / harm to trees and other landscape features situated one/ adjacent to the site – including veteran trees/ TPO trees
 - r. Loss of / harm to delicate eco-systems.
 - s. Will not provide for BNG
 - t. Loss of / harm to local heritage assets – including site of former gallows
 - u. A restrictive covenant prevents the proposed development
 - v. Secretary of State for Education has to decide whether Tenterden Schools Trust can dispose of their land
 - w. The land is unstable and unsuitable for development
 - x. There could be unexploded ordnance on the site from WW2
 - y. The distance of the proposed development from Tenterden town centre is too great for convenient foot access making the new homes reliant on car journeys
 - z. More traffic on road network and associated highway safety implications.
 - aa. There does not appear to have been any thought or regard for the safety of pedestrians or cyclists attempting to cross the Woodchurch Road
 - bb. The proposed traffic calming measures to be put in place along Appledore Road will also hinder traffic flows in this region and also affect traffic flows along Beacon Oak Road and roads which filter in to these roads.

STATEMENT OF CASE

- cc. Inadequate parking proposed.
- dd. Pollution resulting from more vehicles and impact on air quality
- ee. The influx of so many houses (not mentioning all the other housing developments in the area) would put further strain on already hard-pressed local services like schools, GP, and dentist surgeries, etc.
- ff. There is already a lack of employment opportunities within Tenterden
- gg. Increase in surface water run off/ exacerbate local surface water drainage problems
- hh. Water and sewage system will be unable to cope

8.2 Where relevant to planning these matters are all covered in the Appellant's case above and are not therefore reassessed in this section.

8.3 The Appellant does however reserve the right to respond to any new representations received by the Planning Inspectorate in relation to the Appeal that raise matters not already covered in this Statement of Case.

9.0 CIL, Planning Obligations and, Planning Conditions

(i) Matters to be dealt with via Planning Obligation

9.1 The majority of the infrastructure requirements arising from this development can be secured through S106 Agreement and include:

- The provision of up to 72 affordable units²² (50%) – to be 10% affordable/ social rent and 30% affordable home ownership/ first homes products;
- The nomination rights for the affordable housing units will be such that the affordable units will in the first instance be made available to people in housing need with an appropriate connection to Tenterden or key workers. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes in Ashford;
- 7.5% of the affordable units to be identified as M4(3) dwellings;
- 20% of all dwellings to meet M4(2) standards;
- 5% of all dwellings will be set aside for Self Build;
- The provision of a 8.66ha Countryside Open Space;
- The land encompassing the Countryside Open Space, being transferred to the Borough Council/ Tenterden Town Council or such other independent body for the long term benefit of the local community at nil cost;
- Contributions towards the long term maintenance of the Countryside Open Space;
- The provision of 3.33ha of land to provide for:
 - 1 x 11v11 Adult Football Pitch (100m x 64m)
 - 1 x 9v9 Junior Football Pitch (75m x 45m)
 - 1 x 7v7 Mini Soccer Pitch (55m x 37m)
 - 2 x 5v5 Mini Soccer Pitch (37m x 28m each)
- The provision of land for a Pavilion Building designed to Football Association standards
- The provision of land to provide for car parking spaces to serve the proposed Pavilion Building;
- Contributions towards the long term maintenance of the Sports Pitches and Pavilion building;
- The provision of informal natural green space within the development site (outside the Countryside Open Space), the quantum and details of which will be determined at the RM stage;
- Contributions towards the maintenance of the informal natural green space – if not maintained by a resident’s management company;
- The provision of 0.17ha of formal play space within the development site (outside the Countryside Open Space), the details of which will be determined at the RM stage;
- Contributions towards the maintenance of the formal play space – if not maintained by a resident’s management company;
- Delivery of the respective Community Facilities to be secured by way of development restrictions linked to appropriate site wide/phased triggers/occupation thresholds

²² Assuming 145 dwellings are accommodated on site – if not then 50% of the number of dwellings that are accommodated on the site.

STATEMENT OF CASE

The Section 106 Agreement will secure the Borough Council's approval of an overarching scheme for the delivery, future management, operation, and maintenance of all the community facilities within the appeal site – comprising the Sports Facilities, Countryside Open Space,, and the Natural Green Space. The scheme will be capable of delivering the model of community stewardship required under Policy IMP4 (with proportionate commuted maintenance sums/other appropriate funding mechanism), with the flexibility for an approved site-wide 'steward' body to deliver the community benefits of the Sports Facilities and the Countryside Open Space, by way of appointing specialist operators for those facilities. The scheme will also secure the Borough Council's approval of the procedure for appointment of those operators as well as any formal community use arrangements. Details of any proposals for the use of a resident's service charge associated with in perpetuity maintenance of the Natural Green Space will also be included for the Borough Council's approval.

- Contributions towards the off site provision and maintenance of allotments;
- Contributions towards the provision and maintenance of Conningbrook Lakes Country Park.

- A suitable contribution towards any highway improvements arising as a result of the proposed development;
- The funding of a TRO to facilitate traffic calming works to reduce vehicle speeds on Appledore Road;
- Contributions towards a replacement tree in Appledore Road;
- Contributions to support and enhance existing bus accessibility;
- The preparation and implementation of a Travel Plan to encourage use of sustainable transport modes;

- Contributions to the Local Primary Care Trust for use at the Ivy Court Surgery in Tenterden;
- Contributions towards Youth Services;
- Contributions towards Community Learning;
- Contributions towards Social Care;
- Contributions towards Library Services;
- Contributions towards Waste and Recycling facilities.

- Contributions towards Cultural Improvements, including the arts and voluntary sector in Tenterden.

9.2 A completed S106 Agreement/undertaking will be available for the Inspector to review at the Inquiry. This will look to address the infrastructure needs generated by the development, whilst the associated Community Facilities Management Scheme will look to address the issues raised by ABC's Cultural and Leisure Services officer.

9.3 The S106 Agreement will include our CAVAT (Capital Asset Valuation of Amenity Trees) and Helliwell calculations which seek to mitigate the removal of tree no's T43. A technical note will be provided to the inquiry explaining how we came to these values. This is in response to the calculations provided by KCC during the application process. We will ask that the Inspector determine which is the more realistic valuation for the replacement tree given the issues raised by KCC in this regard.

(ii) Planning Conditions

- 9.4 The Appellant will seek to agree a schedule of planning conditions with the Council for inclusion within the SoCG.

10.0 Core Documents - To be agreed with ABC and issued via 'We Transfer'

10.1 Core Documents file 1 – Appeal scheme - Application Documents

- 1.1. Planning Statement produced by Judith Ashton Associates (JAA)
- 1.2. Design and Access Statement produced by Re-Format LLP
- 1.3. Appledore Road Avenue Study; produced by Re-Format LLP;
- 1.4. Local Housing Needs produced by Lichfields;
- 1.5. Five Year Housing Land Supply Assessment produced by Lichfields;
- 1.6. Tenterden Growth and Community Services Assessment produced by Lichfields;
- 1.7. Sports Facilities Supporting Statement and Appendices produced by Consult QRD Ltd
- 1.8. Transport Assessment produced by iTransport;
- 1.9. Travel Plan Statement produced by iTransport;
- 1.10. Flood Risk Assessment & Surface Water Drainage Strategy produced by RSK;
- 1.11. Foul Drainage & Utilities Assessment produced by RSK;
- 1.12. Landscape and Visual Assessment produced by SLR;
- 1.13. Arboricultural Implications Report prepared Simon Jones Associates Limited;
- 1.14. Landscape and Ecological Management Plan produced by SLR in consultation with Ecology Solutions, RSK and Simon Jones Associates Limited;
- 1.15. Ecological Assessment produced by Ecology Solutions;
- 1.16. Heritage Statement produced by Pegasus Group (Heritage);
- 1.17. Desk Based Archaeological Assessment produced by RPS;
- 1.18. Historic Landscape Assessment produced by RPS;
- 1.19. Sustainability and Energy Statement by Bluesky Unlimited;
- 1.20. Ground Appraisal Report produced by Geo-Environmental Services Limited;
- 1.21. Air Quality Assessment produced by Fichtner Consulting Engineers Ltd
- 1.22. Minerals Assessment produced by Barton Willmore;
- 1.23. Agricultural Impact Statement produced by Reading Agriculture;
- 1.24. Statement of Community Involvement produced by Cratus;
- 1.25. Affordable Housing Statement produced by Judith Ashton Associates; and
- 1.26. Draft Heads of Terms of S106 Agreement produced by Judith Ashton Associates.
- 1.27. Application drawings
- 1.28. Covering Letter
- 1.29. Application Form

10.2 Core Document file 2 - Planning Policy Documents

- 2.1. The Ashford Borough Local Plan (ABLP) 2019 and extract from the Local Plan proposals map
- 2.2. Inspectors report on the ABLP
- 2.3. The Kent Wates and Minerals Plan (KWMP) 2016
- 2.4. Tenterden Neighbourhood Plan – Reg 14 and JAA reps thereto
- 2.5. Tenterden and Rural Sites DPD.
- 2.6. Inspector's report of the 9th September 2010 on the Examination into the Tenterden and Rural Sites DPD.
- 2.7. Extracts from the ABC Annual Monitoring Report Dec 2019 and addendum note
- 2.8. Extracts from the Strategic Housing and Economic Land Availability Assessment (SHELAA) 2017- 2018
- 2.9. ABC Five Year Housing Land Supply Update – July 2020
- 2.10. ABC Housing Delivery Action Plan – June 2021
- 2.11. ABC Playing Pitch Strategy

10.3 Core Document File 3 – Previous application for 250 units

Screening for 250 unit scheme

- 3.1 JAA application for screening – June 2019
- 3.2 Ashford Borough Council (ABC) response – EIA not required
- 3.3 Subsequent third party application to the Secretary of State (SoS) for screening
- 3.4 JAA email and matrix to National Planning Casework Unit (NPCU)
- 3.5 SoS decision on EIA

Application drawings and application documents

- 3.6 Design and Access Statement produced by Rummey Design
- 3.7 Illustrative Masterplan produced by Rummey Design

Statutory Consultee reps on the 250 unit scheme

- 3.8 KCC Highways comments of 16.01.2020, 04.03.2020, 16.04.2020, 14.05.2020, 07.07.2020, and associated transportation notes of 02.03.2020, 15.04.2020, 26.06.2020 and 06.05.2020 produced by iTransport and submitted to ABC
- 3.9 KCC Flood and Water Management
- 3.10 KCC Ecology comments of Feb 2020, July 2020, and Aug 2020, together with associated responses from EPR on behalf of Wates dated 11.03.2020, 29.04.2020 and 21.07.2020.
- 3.11 KCC Heritage
- 3.12 KCC Footpaths Officer – comments of 27th Jan 2020 and 7th May 2020 and associated response by Wates team – 11th Feb 2020 and 29th April 2020
- 3.13 KCC Minerals
- 3.14 KCC Economic Development

- 3.15 Sport England
- 3.16 NHS
- 3.17 EA
- 3.18 SW
- 3.19 Natural England
- 3.20 High Weald AONB Unit

- 3.21 ABC Cultural and Leisure Services comments of 17.03.2020, 16.06.2020, 29.06.2020, 28.08.2020 and associated response by Wates team 30.07.2020
- 3.22 ABC Tree Officer comments of 23.04.2020, 28.05.2020 and 29.06.2020 and associated response by Wates team 14.05.2020, 11.06.2020 and 16.07.2020
- 3.23 Tenterden Town Council

Committee report pertaining to 250 unit scheme.

- 3.24 Committee report – 16th September 2020 - item 6.e
- 3.25 Committee Update Sheet

Decision notice pertaining to 250 unit scheme.

- 3.26 Decision notice – 27th September 2020

10.4 Core Document File 4 – correspondence pertaining to the appeal scheme

4.1 Letter from ABC confirming receipt and validation

Statutory Consultee reps on the appeal scheme

4.2 KCC Highways 20.05.2021

4.3 KCC Flood and Water Management comments of 15th June, 23rd July 2021 and 24th September

4.4 KCC Ecology comments of 21st June

4.5 KCC Heritage comments of 6th July

4.6 KCC Footpaths Officer comments of 2nd June 2021 and 30th July 2021

4.7 KCC Minerals

4.8 KCC Economic Development

4.9 Sport England comments of 11th June 2021 and 7th July 2021

4.10 NHS

4.11 SW

4.12 Natural England

4.13 High Weald AONB Unit

4.14 ABC Cultural and Leisure Services comments of 19th July

4.15 ABC Tree Officer comments of 21st July

4.16 Tenterden Town Council

Correspondence with case officer

4.17 JAA email of 22.06.2021 re sports pavilion lighting

4.18 JAA email of 29.06.2021 response to KCC PROW comments

4.19 JAA email of 28.07.2021 further liaison with ABC re KCC PROW comments

4.20 JAA email of 12.08.2020 response to your Culture, Tourism and Leisure comments

4.21 JAA email of 31.08.2020 response to KCC Ecology comments

4.22 JAA email of 31.08.2020 response to KCC Heritage comments

4.23 JAA email of 03.09.2020 response to KCC LLFA comments

4.24 JAA email of 03.09.2020 response to your landscape officer's comments

4.25 JAA email of 03.09.2020 re unit mix and parking provision

4.26 JAA email of 03.09.2020 re minor changes to the Illustrative Site Plan and associated landscape plans to address responses to statutory consultees

Committee report

4.27 Committee report –15th September 2021 - item 4.b

4.28 Committee Update Sheet 15th September 2021

10.5 Core Document File 5 – Landscape Documents

- 5.1 AONB Management Plan
- 5.2 National Character Area 122, High Weald (Natural England)
- 5.3 Landscape Assessment of Kent (2004)
- 5.4 Ashford Landscape Character Assessment (June 2009)
- 5.5 Guidelines on Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3, Landscape Institute/IEEMA 2013)
- 5.6 Landscape Technical Guidance Note 02/21 “Landscape Value Outside National Designated Landscapes”

10.6 Core Document File 6 – Misc

- 6.1 Former (1988) appeal decisions pertaining to the appeal site.

Local Applications – in Tenterden

- 6.2 Committee report and decision notice pertaining to Tent 1a
- 6.3 Committee report and appeal decision pertaining to outline consent for Tilden Gill
- 6.4 Committee report pertaining to second RM for Tilden Gill
- 6.5 Committee report and appeal decision pertaining to Shrubcote, Appledore Road, Tenterden

Local Applications – in Ashford Borough

- 6.7 APP/E2205/W/20/3259450, APP/E2205/W/20/3259462 and APP/E2205/W/20/3259465 – land at Wye College, Wye, Ashford - 6 April 2021
- 6.6 APP/E2205/W/20/3252031 – land at Smallhythe Road Tenterden - 16th July 2021

Other appeal decisions

- 6.8 APP/H1705/W/21/3269526 - Land to East of Station Road, Oakley - 11th August 2021
- 6.9 APP/H2265/W/20/3256877 - Land West of Winterfield Lane, East Malling - 22 March 2021

Misc

- 6.10 Minutes of the Tenterden Town Council Neighbourhood Plan Steering Committee Meetings of 4th June 2020
- 6.11 Minutes of the Tenterden Town Council Neighbourhood Plan Steering Committee Meetings of 5th Aug 2020
- 6.12 ABC Cabinet report of 29 July 2021 - A Nutrient Mitigation strategy for the Stour catchment in Ashford Borough