

ASHFORD BOROUGH COUNCIL

REFUSAL OF PLANNING PERMISSION

Notes for the Applicant



ASHFORD
BOROUGH COUNCIL

Appeals

1. If you are unhappy with the disclosed Decision to refuse permission, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be made within 6 months of the date of decision, or 6 months from the expiry of the period which the LPA had to determine the application.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate **at least 10 days before submitting the appeal**. You can notify the Planning Inspectorate via email at:- (inquiryappeals@planninginspectorate.gov.uk). Further details are available on www.gov.uk

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or by telephoning on:- 0303 444 5000 or via their website:

www.planningportal.gov.uk/pcs

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

Beneficial Use

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

**NOTIFICATION OF DECISION
OF THE LOCAL PLANNING AUTHORITY**

Date of Decision 27th September 2021



ASHFORD
BOROUGH COUNCIL

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**Town and Country Planning Act 1990 (as amended)
Application for Outline Planning Permission**

APPLICATION NO: 21/00790/AS

PROPOSAL: 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 orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Save for access, matters of appearance, landscaping, layout & scale reserved for consideration') 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.

LOCATION: Land between Woodchurch Road and, Appledore Road, Tenterden, Kent

APPLICANT: Wates Developments Limited Wates House Station
Approach Leatherhead KT22 7SW

DECISION: REFUSE

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 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.
3. 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 contrary to policies SP1, SP6 and ENV3a of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework. It is not considered that this detrimental impact can be adequately mitigated.
4. 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 in 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 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 ENV3a of the adopted Ashford Local Plan 2030 and advice in the National Planning Policy Framework para 180 (c).

5. 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.

6. 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 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.

7. The proposals are contrary to Policy ENV6 of the adopted Ashford Local Plan and advice in the National Planning Policy Framework 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 been shown that the flood risk mitigation measures would have no adverse spatial implications for the development proposals in terms of delivering the scale and type of development proposed.

8. An Order has been made to record a new footpath AB70 within the site that is subject to 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 it 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 the adopted Ashford Local Plan 2030 and National Planning Policy Framework 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, connect with and enhance public rights of way whenever possible, encouraging journeys by foot.

9. 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.

Notes to Applicant

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Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

Plans/Documents refused by this decision

21037- RFT - 00 - 00 - DR - A – 0100 rev P02 - Site Location Plan
403.06269.00058.landscape1 Landscape masterplan for the whole development
403.06269.00058.landscape2 Landscape masterplan for the country park and sports facilities
403.06269.00058.landscape4 Landscape masterplan for the orchard
TGMS1044.18-1 rev 8 Proposed and Existing Levels – Fields F10 and F14
7657 03 01 rev E 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 G Elevations - Proposed Clubhouse Building - Land at Appledore Road Tenterden
ITL9289-GA-100 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
133187-C-ALL-05-03-01 REV P06 Proposed Surface Water General Arrangement (sheet 1)
133187-C-ALL-05-03-02 REV P06 Proposed Surface Water General Arrangement (sheet 2)
133187-RSK-C-ALL-05-05-01 REV06 Proposed SuDS Features & Overland Flow Routes
133187-C-ALL-05-07-01 REV P06 Critical Hydro features
133187 RSK C ALL 01 02 01 REV06 existing ditch ponds and surface water drainage features
133187-C-ALL-01-03-01 REV05 overland flow routes and catchment areas
The Planning Statement produced by Judith Ashton Associates;
The Design and Access Statement produced by Re-Format LLP
The Appledore Road Avenue Study; produced by Re-Format LLP;
The Local Affordable Housing Needs produced by Lichfields;
Five Year Housing Land Supply Assessment produced by Lichfields;
The Tenterden Growth and Community Services Assessment produced by Lichfields;
The Sports Facilities Supporting Statement produced by Consult QRD Ltd
The Transport Assessment produced by iTransport;
The Travel Plan Statement produced by iTransport;
The Flood Risk Assessment & Surface Water Drainage Strategy produced by RSK;
The Foul Drainage & Utilities Assessment produced by RSK;
The Landscape and Visual Assessment produced by SLR;
The Arboricultural Implications Report prepared Simon Jones Associates Limited;
The Landscape and Ecological Management Plan produced by SLR in consultation with Ecology Solutions, RSK and Simon Jones Associates Limited;
The Ecological Assessment produced by Ecology Solutions;
The Heritage Statement produced by Pegasus Group (Heritage);
The Desk Based Archaeological Assessment produced by RPS;
The Historic Landscape Assessment produced by RPS;
The Sustainability and Energy Statement by Bluesky Unlimited;
The Ground Appraisal Report produced by Geo-Environmental Services Limited;
The Air Quality Assessment produced by Fichtner Consulting Engineers Ltd
The Minerals Assessment produced by Barton Willmore;
The Agricultural Impact Statement produced by Reading Agriculture;
The Statement of Community Involvement produced by Cratus;
The Affordable Housing Statement produced by Judith Ashton Associates;
The Draft Heads of Terms of S106 Agreement produced by Judith Ashton Associates.



Head of Planning and Development