

# LAND BETWEEN WOODCHURCH ROAD AND APPLEDORE ROAD, TENTERDEN, KENT

**Summary of Evidence of Jeremy Smith BSc (Hons),  
Dip LA, CMLI on Landscape and Visual Matters**

**Prepared for: Wates Developments Limited**

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## 1.1 Qualifications and Experience

1. I am Jeremy Smith, Director with SLR Consulting Limited (SLR). I am the founder member of SLR's landscape architecture practice, which now has over 70 landscape staff across the UK, Australia and USA.
2. I am a chartered landscape architect with over 30 years of professional experience. I have a degree in geography from the University of Nottingham and a post-graduate diploma in landscape architecture from Sheffield University.
3. Whilst working in landscape practice I have specialised in landscape planning and landscape and visual assessment, and in the past fifteen years I have focused on the design and assessment of residential developments throughout the UK. I have acted as an expert witness on landscape, visual and Green Belt matters at numerous appeals, giving evidence both for and against development proposals. I have written guidance for Local Authorities such as Oxford and Harrow on protected views. I was one of four landscape architects that recently co-authored new guidance on landscape value and paragraph 174 valued landscapes on behalf of the Landscape Institute ("*Assessing Landscape Value Outside National Designations*", Landscape Institute Technical Guidance Note 02/21). Further details of my relevant project experience are included at Appendix A to this proof of evidence.

## 1.2 Planning Context

4. The Appeal Site is not located within any formal designations for the most valued landscapes, nor has it been alleged by the Council that the site is part of a valued landscape in the sense of NPPF paragraph 174. The site does not contain any landscape-related designations such as heritage assets or ecological designations (with the exception of a small incursion by the conservation area). The only other formally designated elements on the Appeal Site are TPOs.
5. Within the Local Plan the site is not allocated for development and lies outside of the settlement boundary. However, Officers have acknowledged that the Council does not have a five-year housing land supply and that the presumption in favour of sustainable development therefore applies.

6. In the emerging Neighbourhood Plan it is proposed that the site would become a Local Green Space. However, the appellant has made detailed submissions regarding the draft plan and consequently it is not certain in what form or when it will finally be adopted.
7. A previous appeal for up to 124 homes at the south-western corner of the appeal site was refused in 1989. The gross density of this proposal was more than double the density of the existing appeal proposals.
8. A proposal for up to 250 homes, with sports facilities and the country park, was refused in September 2020. The appeal proposals were designed to address the concerns raised by this application.
9. In the Committee Report Officers have expressed concerns regarding the effects of the proposed development upon the “strong rural appearance” of the appeal site and also “filling in agricultural land between the Woodchurch Road and Appledore Road” which “would not respect the linear settlement form”.
10. The Committee Report notes that Officers have no significant concerns regarding the potential effects of the development upon the High Weald AONB or the Tenterden Conservation area.
11. The Committee Report also notes that whilst the views of residents may change as a result of the proposed development, an acceptable standard of privacy and residential amenity would be provided.
12. No allegation is made, either in the reasons for refusal or in the Committee Report, that the site should be considered to be a valued landscape in the sense of paragraph 174(a) of the NPPF.

### **1.3 Landscape Design Review of the Appeal Proposals**

13. I have carried out a review of the main elements of the proposed development, with reference to the DAS and the masterplan.

14. I have noted that the design process for the appeal proposals was driven primarily by landscape, ecology and heritage considerations, but that other key disciplines such as hydrology and arboriculture were also instrumental.
15. I have also noted that whilst the proposed housing area was in outline, it was carefully designed using three-dimensional modelling to ensure that long views towards St Mildred's, seen over the canopy of existing trees, could be retained.
16. In considering potential development locations around Tenterden, I have noted that the area is heavily constrained by designations, including the High Weald AONB as well as ancient woodlands. The appeal site is thus one of the least constrained areas on the settlement edge.
17. I have concluded, with reference to the DAS, that the proposed scale and density of the residential development is wholly appropriate in the local context.
18. I have carried out a review of the proposed design in the context of the criteria within the National Design Guide. I have concluded that the proposed masterplan would provide an attractive, safe and distinctive place to live, and that the design meets the expectations of the National Design Guide.
19. I have also concluded that a proposed development for 141 homes could accommodate the proposed new footpath AB70, as illustrated on drawing reference 21037-RFT-00-00-ZZ-DR-A-002-P01 - Site plan, appended to the evidence of Asher Ross.
20. I have also noted that s106 money paid by the appellant to mitigate for the loss of tree T43 at the proposed site access could be used to re-establish many of the missing trees along Appledore Road. These could be planted as mature nurse stock and would therefore have an immediate effect on the character of the road.

## 1.4 Potential Landscape and Visual Effects of the Appeal Proposals

21. The SLR LVA includes a computer-based assessment of visibility and also year 1 and year 15 photomontages for 5 viewpoints. The SLR LVA methodology follows the guidance of GLVIA3 and has been agreed at numerous inquiries. The judgements have been based upon four site visits, taking into account both winter and summer months. The SLR LVA therefore follows best practice and provides a robust and thorough assessment of the potential landscape and visual effects of the proposed development.
22. At the national level the site is classified within NCA 122, High Weald, and NCA 121, Low Weald, extends to within approximately half a kilometre of the north-eastern boundary of the appeal site. In the Kent Landscape Character Assessment the site is shown as being on the edge of the settlement but on the northern edge of the Oxney: Lower Rother Valley character area, with land to the north-east of the site within the Biddenden-High Halden Wooded Farmlands character area. In the Ashford Landscape Character Assessment the appeal site is again shown on the settlement edge and is classified as part of the Woodchurch Undulating Farmlands (LCA 23), and this character area continues to the north-east of the site.
23. The character of the eastern part of the appeal site is open, and less influenced by views of the settlement edge and lighting from the settlement. The western part of the site is more enclosed, with more visibility of the settlement edge and more influence of light and noise from the settlement. Hedgerows in the western part of the site are often in poor condition.
24. The landscape effects of the proposed development would be localised, with the higher levels of negative effect occurring in the proposed residential area at the western end of the appeal site. However, there would be some positive landscape effects for the eastern part of the appeal site, as well as for the hedgerow network at the western part of the appeal site. Effects on other landscape receptors outside of the site, including the High Weald AONB, would be minor or less.
25. The visual effects of the proposed development would also be localised, even if proposed vegetation is not included as the computer-generated ZTV demonstrates. The highest levels of visual effect would be focused on walkers using footpath AB12, since walkers on this path would be able to obtain clear views towards the new homes as they look to the west. However, they

would experience some positive effects due to the enhancement within the country park, and views towards the tower of St Mildred's would also be retained. For residential receptors around the appeal site, visual effects would reduce over time due to proposed shrub and tree planting.

26. I have noted that whilst it is best practice in LVA terms to acknowledge the negative landscape and visual effects of introducing new buildings to green field sites, this does not take into account the positive attributes of the appeal proposals. As section 3 of my proof has concluded, the proposed masterplan would result in an attractive, safe and distinctive place to live.
27. I have also carried out a comparative landscape and visual appraisal of a potential 250 home development at the allocated site known as Tenterden Southern Extension (TENT 1B). I have concluded that this would result in major/moderate landscape and visual effects, as well as landscape and visual effects on the nearby AONB. In this context it is notable that the Local Plan notes that the proposed southern extension would help Tenterden's economy "*without damaging the essential character that makes it such an attractive location to live and visit*".

## 1.5 Response to Reasons for Refusal 2, 3 and 8.

### Reason for Refusal 2

28. I have concluded that the proposed development would be of a scale and density the appeal proposals that is appropriate to the existing extent, scale and form of Tenterden. I have also noted that the land at the west of the appeal site – where the proposed new homes would be located - is far more influenced by the settlement edge and consequently cannot be described as "*strongly rural*". In terms of the role that the existing site plays in forming part the setting of Tenterden, I have acknowledged that the site does form part of the landscape setting for Tenterden, but that its contribution to that role is not entirely positive.
29. It is now common ground between the parties that the visibility of the proposals would be localised "*with little visibility in the wider landscape*". It is also common ground that the effects on the AONB would be limited/negligible. It is therefore incorrect to state that the development

would not “*sit sympathetically within the wider landscape*” (or that it would result in harm to the character of the surrounding area) as it is now common ground that the effects on the wider landscape would actually be minor, and often neutral in nature.

30. In terms of the potential effects of the proposed development upon the setting of the settlement, I have described how the proposals would maintain the existing gradient of character from the settlement edge towards the open countryside to the east, albeit that development would of course increase at the western part of the appeal site. Through the alignment of the four greenways the proposed development would also conserve the characteristic views from AB12 towards the tower of St Mildred’s, which would continue to be seen over retained tree canopies.
31. I have also noted how the appeal proposals would improve aspects of the setting to the settlement in this location. Rather than garden fences and vegetation forming the boundary between settlement and landscape, there would be a gradual reduction in residential densities towards the east of the site, with four broad greenways radiating from the settlement edge, winding between housing parcels and towards the proposed country park. Residential properties would front on to these greenways and open spaces, creating a positive interface between houses and spaces and ensuring that there is also good informal surveillance across spaces.
32. Importantly, the appeal proposals would significantly increase the recreational access to the appeal site. The greenways would allow walkers and cyclists to move from existing residential areas on Woodchurch Road and Appledore Road, along greenways, towards the proposed country park. These new recreational routes would also afford other opportunities to obtain views towards St Mildred’s which are currently not available from formal rights of way.
33. In summary, the proposed development would conserve (rather than preserve) and enhance the setting of the settlement in this location.

### Reason for Refusal 3

34. I have acknowledged that the removal of tree T43 at the proposed site access would result in minor landscape and visual effects on the streetscape of Appledore Road. However, these minor negative effects would occur within the context of the existing, irregular pattern of trees on Appledore Road, and consequently would not result in any significant degree of change to the landscape or views in this location. In addition, as I have noted, the CAVAT sum for the removal of T43 could be used to replace most of the missing trees in the avenue, thus providing a potential enhancement to the streetscape.

### Reason for Refusal 8

35. As I have noted at section 2.0 of this proof, the appellant contests the need for this path, and it will be subject of a separate inquiry taking place after this appeal.
36. However, if the Inspector decides that the this proposed path should be taken into account, drawing 21037-RFT-00-00-ZZ-DR-A-002-P01 - Site plan (effect of the proposed footpath AB70), appended to the evidence of Asher Ross, illustrates that it could be accommodated within a layout for 141 homes, without any significant impact upon the spatial layout of the development.
37. I have considered the potential visual effects that would occur for walkers on this footpath, if the proposed development were to be implemented. I have acknowledged that it is best practice in LVA terms to assume that if buildings are introduced to a green field site then the nature of effects is negative, and in this context it is likely that walkers would experience negative changes to their views. However, I have also noted that this route would afford attractive views along green ways, towards existing hedgerows and trees, as well as towards the tower of St Mildred's. It would also allow views of new habitats and provide access to new recreational opportunities. Consequently, whilst the visual effects for users of this path would be negative overall, the sequential experience of using the path could be attractive, positive and distinctive.

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