

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: 23rd September 2020



ASHFORD
BOROUGH COUNCIL

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TN31 6EA

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

APPLICATION NO: 19/01788/AS

PROPOSAL: 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.

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 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 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, therefore, the proposal is contrary to Policies IMP1 and HOU1 of the Ashford Local Plan 2030.

Notes to Applicant

1 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;

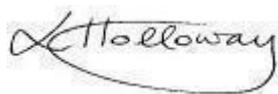
- Offering a pre-application advice service,
- As appropriate updating applicants/agents of any issues that may arise in the processing of their application
- Where possible suggesting solutions to secure a successful outcome,
- Informing applicants/agents of any likely recommendation of refusal prior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

In this instance.

- The applicant was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Plans/Documents refused by this decision

TN-SLP-001- Site Location Plan
TN-HAKP-001 - Hybrid Application Key Plan
RD1686 - P- L100 rev P4 - Detailed Application Area Plan
RD1686 - P- L102 rev P1 - Detailed Area 2 - General Arrangement Plan -
Play space
RD1686 - P- L104 rev P2 - Detailed Area 4 - General Arrangement Plan -
Pavilion
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
ITL9289-GA-030 Rev C - Potential Site Access Arrangement Land Adjacent
to Number 13 Appledore Road
ITL9289-GA-033 Rev C - Potential Site Access - School Land - Including
30mph Visibility Splays (2.4m X 43m)
ITL9289-GA-044D - Proposed Pedestrian and Cycle Access from
Woodchurch Road
ITL9289-GA-045E - Internal Street Design Towards Sport Pitches
RD1686 - P- L010 rev P5 - Illustrative Masterplan
Drawing SJA TPP 14023-041g - Tree Protection Plan West/East
Map 1 Proposed Habitats EPR plan July 2020
Map 2 Habitats enhancement EPR plan July 2020
Map 3 Habitats created EPR plan July 2020
Map 4a Habitats Map EPR November 2019



Development Management Manager