



*Land between Woodchurch Road and Appledore Road,
Tenterden, Kent, TN30 7AY*

APP/E2205/W/21/3284479

**Appendices to Proof of Evidence of Asher Ross MRTPI in
relation to Planning**

Appeal Under Section 78 of the Town and Country Planning Act 1990 by Wates Developments Ltd

FINAL 11 JANUARY 2022

CONTENTS

SUMMARY	1
CONTENTS.....	2
1.APPENDIX A – EXPERIENCE.....	3
2.APPENDIX B – PINS EIA DIRECTION.....	6
3.APPENDIX C – MINUTES OF TENTERDEN TC MEETING 2 MARCH 2020.....	9
4.APPENDIX D – STANDON LANE APPEAL DECISION	28
5.APPENDIX E – LICHFIELD’S UPDATED AFFORDABLE HOUSING STATEMENT	66
6.APPENDIX F – NORMAN ROAD APPEAL DECISION.....	71
7.APPENDIX G – EMAIL AND PLANS SENT TO KCC.....	81
8.APPENDIX H – DESIGNATIONS PLAN.....	86
9.APPENDIX I – HOUSING MONITORING 2020/2021	88

1. APPENDIX A – Experience

SUMMARY OF EXPERIENCE OF ASHER ROSS MRTPI

I have been / am involved in the following relevant and recent projects (inter alia):

Examinations in Public

Promotion of employment site in Green Belt in North Warwickshire. Appeared at recent EiP.

Promotion of Green Belt site for residential development in London Borough of Croydon. Appeared at Croydon's EiP (2018) and at London Plan EiP (2019).

Promotion of employment site on greenfield site in Horley. Appeared at the RBBC DMP EiP.

Promotion of Green Belt site for major charity in South Bucks. Local Plan withdrawn.

Promotion of greenfield site for 250 homes near West Malling. Appeared at the Tonbridge and Malling EiP sessions in 2020.

Promotion of greenfield sites in Mid Sussex for housing development. EiP in June 2021.

Public Inquiries

Land at Waverley Lane, Farnham - appearance as planning witness in SoS recovered appeal for 157 new homes on the edge of Farnham. Inspector recommended appeal be allowed with full costs, but SoS disagreed. Revised scheme now being promoted.

Land at former Government Offices, Hook Rise South, Tolworth – appearance as planning witness in SoS recovered appeal for 705 new homes on brownfield site in Tolworth. SoS agreed with the planning case, but appeal dismissed on S106 / affordable housing matters. Revised application now permitted.

Land east of Lindfield – appeared as planning witness for a 200-unit scheme on greenfield land. Appeal recovered by SoS and allowed in 2018.

Land south of the Strand, Quainton – appeared on behalf of Aylesbury Vale in relation to housing land supply. Appeal dismissed.

Land east of Water Stratford Road, Tingewick – appeared on behalf of Aylesbury Vale in relation to both housing land supply and planning policy. Appeal dismissed.

215 Tunnel Avenue, London – appeared in relation to a Hazardous Substance Continuation application called-in by the Secretary of State. Consent granted.

Westferry Printworks, London – appeared as planning witness on behalf of Tower Hamlets Council in relation to development of circa 1,500 new homes. SoS decision quashed and subsequently dismissed.

Land north of Bolney – appeared as planning and housing land supply witness for care home and residential development in the AONB.

Land west of Winterfield Lane, East Malling – appeared at public inquiry for up to 250 homes on greenfield site adjacent to settlement. Provided evidence on planning and housing land supply. Appeal allowed in 2021.

Land east of Station Road, Oakley – appeared at public inquiry for up to 110 homes on greenfield site adjacent to settlement. Provided evidence on planning and housing land supply. Appeal allowed in 2021.

Other Projects

Advising in relation to a residential scheme adjacent to the settlement of Billingshurst

Advising and assisting in relation to a planning application for circa 150 new homes adjacent to the settlement of Bramley, Basingstoke and Deane

Generally advising on development of numerous residential sites across Surrey, Sussex and Kent

2. APPENDIX B – PINS EIA DIRECTION

Major Casework Directorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services:
e-mail:

0303 444 5000
[Environmentalservices@
planninginspectorate.gov.uk](mailto:Environmentalservices@planninginspectorate.gov.uk)

Civic Centre
Tannery Lane
Ashford
TN23 1PL

Your Ref: 21/00790/AS
Our Ref: APP/E2205/W/21/3284479
Date: 10 November 2021

Sent by email:

planning.appeals@ashford.gov.uk

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS')

Appeal by: Wates Developments Limited

Site Address: Land between Woodchurch Road and Appledore Road, Tenterden

I refer to the above appeal. The Secretary of State has considered the application in accordance with Regulation 14 (1) of the above Regulations.

The development proposed, namely:

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.

Falls within the description at 10 (B) of Schedule 2 to the above Regulations. In the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons:

Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact.

Mitigation measures are available for aspects of the Proposed Development. There would be no likely significant effects in terms of natural resources, waste, noise, contamination, flooding, ecology, arboriculture, landscape and visual, archaeology, cultural heritage, transport, or complex construction

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 14(1) and 7(5) of the above Regulations, the Secretary of State hereby directs that this development is not Environmental Impact Assessment (EIA) development.

Under regulation 28(1) of the above Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application in question. I would be grateful if you could do so to ensure that the Secretary of State's view is publicly available.

(This direction does not affect any duties of the appellant under other legislation, including The Conservation of Habitats and Species Regulations 2017.)

Yours faithfully

Gary Chapman

Gary Chapman
EIA and Land Rights Advisor
(Signed with the authority of the Secretary of State)

cc: Ms J Ashton – Judith Ashton Associates – Agent - judith@judithashton.co.uk

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:

<https://acp.planninginspectorate.gov.uk/>

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

4. Appendix C – Minutes of Tenterden TC Meeting 2 March 2020

TENTERDEN TOWN COUNCIL



MINUTES OF THE PLANNING COMMITTEE MEETING HELD AT ASSEMBLY ROOM ON MONDAY, 2 MARCH 2020

Councillors Present: M. Carter, V. Cole, Mrs. J. Curteis, Dr. L. Lovelidge, K. Mulholland, R. Quinton and Mrs. K. Walder (Vice-Chair)

Officers Present: Mrs. C. Gilbert (Deputy Town Clerk) and Mrs. L. Owers (Administrative Assistant)

Others Present: Cllrs. P. Clokie (North Ward Member) (ABC), C. Knowles and Mrs. S. Ferguson and 26 members of the public.

7122 **APOLOGIES**

Cllrs. J. Crawford and R. Parkin.

7123 **DECLARATIONS OF INTEREST.**

Cllr. Mrs. Walder spoke with regard to Planning Application No. 20/00175/AS. Cllr. Mrs. Walder has no disclosable significant interest nor a disclosable financial interest in this application nor does her husband who is speaking this evening. However, in view of the perception of bias that could arise amongst the public because of her relationship to one of the speakers, Cllr. Mrs. Walder will step down from chairing the item and will not vote or take part in the decision making process. Cllr. Mrs. Walder is not required to leave the room.

7124 **MINUTES.**

The minutes and report of the meeting held on 3rd February 2020 and Special meeting held on 17th February 2020 were confirmed and signed as a correct records.

7125 **MATTERS ARISING.**

None.

7126 **COUNCILLORS QUESTIONS.**

None.

7127 **REPRESENTATIONS FROM MEMBERS OF THE PUBLIC.**

Ms. L. requested to speak on Application No. 20/00071/AS.

Mr. P. Durr from Patrick Durr Associates requested to speak on Application No. 20/00079/AS.

Mr. E. Boulton requested to speak on Application No. 20/00119/AS.

Mr. Goodall, Mrs. Toombs, Mr. Arnold, Professor J. Cooper, Mr. Sidebottom, Ms Whitehead and Mrs. Clarke all requested to speak on Application No. 20/00175/AS.

7128 **PLANNING APPLICATIONS.**

The Committee considered the following planning applications. It was **RESOLVED** that its recommendations would be submitted.

20/00071/AS

28 Heather Drive.

Erection of Single Storey Rear Extension and Shed.

Ms. L. Giles addressed the Committee expressing her concerns that at least six other properties in Heather Drive have had extensions. Some are larger than their proposed extension and built on the boundary. For the privacy of her neighbours there were no windows on the side of the extension. The proposed extension is lower than the height of their bungalow and considerably set back. The adjoining property has mature trees, conifers and foliage on their boundary with some reaching a height of three metres and they are considerably closer to their window than their proposed extension. They have also offered to replace the fence which is rotting and falling apart at their own cost.

Cllr. Mulholland attended the site visit to view both houses and he recognises their desire to improve their home but at the same time endorses the fact that their neighbours at No. 30 need appropriate light. The length of the current plan would restrict the light of their living room.

Cllr. Mrs. Curteis agreed with Cllr. Mulholland and reported that the planned extension would be a overpowering.

Cllr. Cole was also in agreement. The extension seemed excessive and there will be a natural loss of light to the dining room and kitchen of No.30.

OBJECT on the grounds of loss of light to the neighbouring property (No. 30).

20/00079/AS

Garages behind 2 to 8, Beacon Oak Road.

Demolition of nine garages and erection of one single-storey dwelling and associated works.

Draft until Monday, 6 April 2020

Mr. P. Durr from Patrick Durr Associates was representing Mr Chapman. for applicant. Mr. Durr reported that the plot is a brownfield site located down a private drive. The site has been used for garaging since the 1960's and only one is currently let to a person in Ashford.

It is a single storey two bed dwelling suitable for disability living. Mr. Durr reported that there are no overlooking or overbearing concerns; no active rights of way over the main land; the scheme will not harm nearby trees and the site is falling into disrepair. The existing ribbon driveway with grass in between will not change and will appeal to lower band buyers.

Cllr. Quinton's concern is that it is a long way from the road and the road width is only 2.4 metres wide so it would not be suitable for emergency vehicles. It is in a Conservation Area and would be out of character. Although it is a brownfield site, it is extremely small and whoever lives there will be restricted in their outlook.

Cllr. Carter commented that this application abides by all planning laws in the Ashford Borough Council Local Plan but there is a lack of outside space for the property.

Cllr. Dr. Lovelidge was concerned that an application was rejected by Ashford Borough Council in 2018 and she could see no changes to the previous application. It is set back from the road; there is no character and the area is cramped. The private garden space is not of adequate design.

Cllr. Mulholland commented that the plot itself is too small. Cllr. Curteis agreed that it is a very small plot to put a dwelling on and there are no services or drains on site. Cllr. Cole commented that this plot is too small and the building will be out of character.

OBJECT for the following reasons:

- (i) the development does not comply with Ashford Borough Council's outside open space standards;**
- (ii) the width of the drive would not allow access for emergency services, namely Ambulance or Fire Engine;**
- (iii) the property has no direct road**

frontage;

(iv) the design of the property is not in keeping with the buildings in the area.

Cllr. Carter abstained from voting.

20/00117/AS

53 High Street, Tenterden.

Revision to planning permission 18/00105/AS (Refurbishment and upgrade of all existing building fabric and conversion of 1st floor into residential accommodation) to include the conversion of first floor to residential accommodation and change of use of ground and basement from A2 (estate agents) to A3 (restaurant).

SUPPORT.

20/00118/AS

53 High Street, Tenterden.

Revision to listed building consent 18/00106/AS (Refurbishment and upgrade of all existing building fabric and conversion of 1st floor into residential accommodation including removal of internal walls and widening of opening) to include works of conversion to ground and basement levels to provide restaurant facilities.

The Listed Building Officer should determine this application.

20/00119/AS

Tenterden Garden Centre, Tollgate Nursery, Reading Street.

Demolition of two polytunnels, removal of storage containers, extension of existing glasshouses, construction of a new entrance canopy, a new polytunnel and a new storage building, extension of the car park with the addition of staff parking and internal alterations including the relocation of the cafe-restaurant and construction of a new open canopy to the side of the relocated cafe- restaurant.

Mr. E. Boulton addressed the Committee and commented that they decided to move the restaurant as neighbours had complained about the smells along with the additional aim to tidy up the site. The two polytunnels would be demolished and replaced with a small one. The only new building would be a storage building at the back of the delivery yard. The kitchen facilities would be improved and there would be extra toilets and extra parking.

Mr. E Boulton had received complaints from neighbours about the smells and noise from the

Draft until Monday, 6 April 2020

restaurant as the restaurant abuts their boundary and requests to move the restaurant. The restaurant will be relocated to the aquatics building and the aquatics building will move to the restaurant. This will also create extra car parking spaces.

SUPPORT on condition that:

- (i) the oil tank is located further away from the neighbouring property;**
- (ii) automated doors are considered for the relocated restaurant;**
- (iii) a robust landscaping plan is provide including screening to the outside seating area to protect the neighbour's privacy;**
- (iv) a surface water drainage strategy is provided.**

20/00132/AS

17 Longfield.

Proposed single storey front infill extension.

SUPPORT.

20/00147/AS

Brockett Farm, Reading Street.

Conversion of outbuilding into annexe.

SUPPORT.

Cllr. Quinton abstained from voting.

20/00175/AS

Middlecroft, 2 The Croft.

Proposed Detached 3-Bed Dwelling with Garden, Parking and Vehicular Access.

Cllr. Mrs. Walder advised that she would not chair this agenda item and left the meeting, but not the room.

The Deputy Town Clerk reported that as Vice-Chair Cllr. Mrs. Walder would not be chairing this item, a temporary Chair was required. Cllr. Mullholand was proposed and seconded and took the Chair.

Mr. C. Goodall of Oaks Road addressed the Committee on his concerns regarding the vehicular access to Sandy Lane. The lane serves three properties at present but if this application is successful that number will increase to five.

A full copy of Mr. Goodall's speech will be available on the Council's website.

Mrs. A. Toombs of Oaks Road expressed her concerns with the safety issues posed by

increased traffic in Sandy Lane which is now quiet and safe for pedestrians but if this application is permitted traffic will increase greatly and construction traffic will damage the surface, making walking more difficult on the public right of way. This is contrary to the requirements of the Ashford Local Plan policies TRA5 which ensures safe provision for pedestrians and requires proactive steps to be taken to encourage journeys on foot.

A full copy of Mrs. Toombs' speech will be available on the Council's website.

Mr. R. Arnold of Oaks Road addressed the Committee with his concerns about the history and heritage of Sandy Lane and Huson Farm. This proposed development is contrary not only to NPPF Paragraph 91.c which requires planning decisions to encourage walking and cycling but also to Ashford Local Plan policies ENV5, which protects important rural features and ENV3a which protects the characteristics of the historic landscape.

A full copy of Mr. Arnold's speech will be available on the Council's website.

Professor J. Cooper of Elmfield expressed his concerns about protecting and enhancing public rights of way and access in Paragraph 98 of the National Planning Policy Framework of 2019 as if permission is granted for this building project to go ahead the exact opposite effect will be achieved. The future of Sandy Lane in its current form will be placed in serious jeopardy, should planning permission for this project be granted.

A full copy of Professor Jeremy Cooper's speech will be available on the Council's website.

Mr. Sidebottom expressed his concerns that if this application is granted, it will inevitably harm the character of this important green link to the high street as there will be an increase in the number of cars using the Sandy Lane footpath and bridleway. ALP Policies TRA5 and TRA6 encourage you to connect public rights of way and increase journeys on foot and by bicycle. Sandy Lane is part of a key route identified by Sustrans as providing a potential dual-use cycling and walking route all the way between Shrubcote and Oaks Road. Increased car use

from this application would create a public nuisance from hazardous encounters, forcing walkers and riders off the path.

A full copy of Mr. Sidebottom's speech will be available on the Council's website.

Mrs. H. Whitehead of Price Whitehead addressed the Committee on behalf of her clients, Mr. & Mrs. Clarke who own 2, The Croft. Mr. & Mrs. Clarke applied for a new dwelling on the lower part of the garden in 2018 but were advised by the case officers at Ashford Borough Council to withdraw the application and the current application has taken full account of all the advice offered by Ashford Borough Council and the scheme provides a smaller dwelling, with first floor under the plain of the roof and located forward on the site. This shows a fully compliant house in terms of space, parking, garden size etc.

Mrs. Clarke advised that they have negotiated an option to purchase an easement allowing them permanent access subject to planning permission. Any objections based on the assertion that a new house could become landlocked are misinformed.

A full copy of Mrs. Clarke's speech will be available on the Council's website.

Cllr. Dr. Lovelidge commented that there are four material considerations on the impact on the countryside; loss of trees, hedges and the removal of the maple tree as well as substantial damage to other trees and hedges; traffic generation; highways safety issues and land lock development.

Borough Cllr. Knowles advised that he is neither supporting or against this application as he might have to sit in the planning meeting at Ashford Borough Council. Cllr. Knowles stated that he was very concerned about the land lock development and had spoken to the planning officer at Ashford Borough Council about bridleways and highways and it is down to the owner to dedicate a road as a public highway and there is case law to support this as long as vehicular access over an existing footpath does not constitute a public nuisance .

Cllr. Carter commented that the land lock issue is not a planning consideration therefore the Committee is not allowed to take the law into account. Cllr. Carter read an excerpt from the KCC Countryside and Community Development document to the Committee. KCC CCD state it is unable to give permission for vehicular access as it does not own the land but it would not object in the instance of a single additional dwelling given that the path already provides access to properties.

Cllr. Quinton's only concern was with the actual construction of the house, vehicle access and any damage to the land.

SUPPORT on condition that the schedule of works includes the 'making good' of Sandy Lane after construction has been completed.

Cllr. Cole voted against the decision and Cllr. Curteis abstained from voting.

Cllr. Mulholland left the Chair and Cllr. Mrs. Walder retook the chair.

20/00185/AS

St Michaels House, Ashford Road.

Erection of first floor rear extension and single storey rear extension.

SUPPORT.

20/00209/AS

2 Henley Meadows.

Proposed conversion of detached garage building and integral garage with single storey link extension and rear extension to form annexe; Extension to driveway.

SUPPORT.

7129 **NOTIFICATION OF DISCHARGE OF CONDITIONS.**

List No. 20 was **NOTED.**

7130 **DECISIONS OF THE ASHFORD BOROUGH COUNCIL PLANNING COMMITTEE.**

List No. 588 was **NOTED.**

7131 **SUB-COMMITTEE & WORKING GROUPS.**

(a) Selective Neighbourhood Plan Working Group.

(i) The minutes of the meeting held on 5th February 2020 were **NOTED.**

(ii) It was **RESOLVED** to accept the fee proposal from Tony Fulwood

Associates (Chartered Town Planners) to support the Tenterden Neighbourhood Plan at a budgeted cost of between £12,837.50 to £14,137.50 plus VAT.

7132 LEGAL ADVICE REGARDING CLARIFICATION OF WINDFALL SITES.

Cllr. Mrs. Walder reported that Councillors had seen and read the advice received from the Barrister on the definition of a windfall site, however, although the result is disappointing, it has provided clarity. Cllr. Mrs. Walder also reported that Ashford Local Plan 2030 appears to have been designed not to have limitation of number or size of sites under the windfall policy.

7133 MINOR MATTERS.

None.

7134 CORRESPONDENCE.

None.

7135 ANY OTHER BUSINESS PREVIOUSLY NOTIFIED TO THE CHAIRMAN.

- (a) Claimed footpath running from Woodchurch Road to Appledore Road, circular route, and link with footpath by Tenterden Golf Club at Tenterden.

Cllr. Mrs. Walder reported that an email had been received from Kent's Public Rights of Way & Access Service regarding an application received from a resident requesting that the Definitive Map of Public Rights of Way should be modified to show at public footpath status a route running from Woodchurch Road to Appledore Road, circular route, and link with footpath by Tenterden Golf Club at Tenterden, on the basis of the public having used the route for an uninterrupted period of 20 years.

Cllr. Mrs. Curteis and Dr. Lovelidge reported that the evidence is correct in that the footpath has been used for many years. Cllr. Carter suggested taking the matter to full Council for a decision on a suitable response.

The meeting opened at 7.00 pm and closed at 8.30 pm

The foregoing Minutes and Report were confirmed and signed at a meeting of the Planning Committee held on Monday, 6 April 2020.

Chairman _____ (Monday, 6 April 2020)

Planning Application 20/00175/AS

When the previous application was made, there were a significant number of objections posted on the ABC portal concerning the impact of the vehicular access to Sandy Lane. None of these have been addressed in the current application.

I came to Tenterden as a boy in 1947. We lived in East Cross just a few yards from Sandy Lane. The recreation ground was our back garden and Sandy Lane was our gateway to the countryside and to nature. It was a magical place. In those days there was little traffic, yet even now you only have to go a few yards down the lane before you no longer hear the traffic noise from Oaks Road; you are already in the country. It is truly an iconic “green finger”.



In those days, the lane served a single property, Huson Farm. The bungalow was built sometime after 1960 and Huson Cottage later still. It is from these 3 properties that the present vehicular activity derives. If this application is successful, that number will increase to 5.

Hitherto, the number 5 has been suggested as being the upper limit allowed. This is incorrect, I believe. It originates from the Kent Design Guide, is advisory, not enforceable and is not applicable to Sandy Lane as it relates to highways.

Moving on, there are a further five properties that back on to Sandy Lane could each apply for a licence, that number would increase to 10. The sale of Huson Farm is presently under offer; its sizeable garden is described as suitable for development. Finally, developers, who are not local, are circling the land between Tent 1A and Shrubcote and can see that rich pickings are to be found.

This is surely contrary to ALP policy HOU14 which covers accessibility, since people would only be able to access their properties by car with a licence from the owner of Sandy Lane which cost several tens of thousands of pounds a time.

So, the concerns over accessibility and vehicle traffic are obvious and this application could be the “tipping point”.

I look back with great affection on my childhood in Tenterden when many years lay ahead of me. Now those years lie behind me. In making this plea to protect Sandy Lane, I am not thinking of myself; my concern is solely for the future generations of the residents of Tenterden. We, as a generation, are already leaving a pretty poor legacy to our grandchildren. Let's not make it any worse.

I oppose this application.

Dr Chris Goodall, Oaks Road

Planning application no. 20/00175/AS. Middlecroft, 2 The Croft, Tenterden, TN30 6RG

I live in Oaks Road, almost opposite the junction of Sandy Lane with Oaks Road. My husband and I are very concerned by the safety issues posed by increased traffic in Sandy Lane.

We walk frequently, with our dog, along Sandy Lane, continuing past the Hales Place orchard or beside Huson Farm to the fields beyond. We almost always meet people from Shrubcote, Kilnfield or Abbott Way who are walking to the town centre, the doctors' surgery, the schools or the recreation ground. The Lane is a much appreciated and enjoyed green access route into and out of the town. We enjoy the wildflowers in the verges and hedges, the variety of trees and the birdsong.

The Lane is quiet and safe for pedestrians because, as a bridle way, the only vehicles using it are to and from the two inhabited houses on the Lane who have permission from the owner to use it now. If this application is permitted traffic will increase greatly, both to the new house and to No 2 The Croft. In addition, construction traffic will damage the surface, making walking more difficult, in fact the very opposite of 'protecting and enhancing' the public right of way.

Some letters of support say the applicants will not use cars often – that may be so now, but what happens in a few years' time when the applicants are older or the house has new owners? Drivers will have to be extremely careful since driving in the same way as on a road would be very dangerous when driving along a footpath.

From our house we can see that people come from all directions to use the Lane, along Oaks Road, from Ashford Road and The Fairings and from the town. Also, people drive to our part of Oaks Road, park and take their dogs into Sandy Lane for a country walk.

The busiest section with respect to pedestrian use is between the bottom end of the Lane and the paved path to the Recreation Ground leading straight to the mound and the children's playground. The location of the vehicle egresses in the application are within this section and will be a danger, not only to families taking children to and from school, but to children and dogs running from the playground out of the Recreation Ground on to the Lane.

This is contrary to the requirements of the Ashford Local Plan policies TRA5 which ensures safe provision for pedestrians and requires proactive steps to be taken to encourage journeys on foot. Ashford Local Plan Policy TRA6 seeks to improve conditions for cyclists and encourage journeys by bicycle. This development if approved would achieve the opposite.

Anna Toombs, Oaks Road

Planning Application 20/00175/AS

Originally Sandy Lane served only Huson Farm as can be seen on the late 18th Century Hundreds maps of Tenterden. The first recorded written use of the name Huson, for the same site, is found in a charter of 863 A.D. when Ethelbert, King of West Saxons and Kent, sold it to Prince Ethelred. It can therefore be said that Sandy Lane and Huson Farm are very much steeped in history and are part of Tenterden's heritage.

Tenterden Town Council have set up a committee to produce a Neighbourhood Plan in order to protect the green spaces and green fingers which are important in retaining the rural/urban character of Tenterden for future generations. It is expected that this process will be completed by the end of 2020 and that the Plan will have statutory authority. Sandy Lane, as the start of many circular walks to the south of the town, has already been publicly flagged as a very important element of the Plan.

In total, there are five accesses from the main road between East Cross and West Cross to our rich network of public footpaths, most of them providing attractive circular routes of varying length. There are three to the north (AB22, AB20, AB24) and two to the south (AB31, AB33A), the latter being Sandy Lane. As a result of the Tent1A development, AB31 through Bells Lane is now urbanised for its first 500m. The Westwell planning application, if approved, would urbanise the AB20 footpath for the first 350m and would likely severely restrict vehicle access to the start of AB22. Station road is already urbanised so can hardly be considered as a green finger.

That leaves Sandy Lane.

It is iconic and truly a green finger. It gives the feel of the countryside as soon as you enter it, and is very much a gem in our "Jewel in the Weald". Its demise would remove a very valuable amenity for the expanding community of the town.

This proposed development is contrary not only to NPPF Paragraph 91.c which requires planning decisions to encourage walking and cycling, but also to Ashford Local Plan policies ENV5, which protects important rural features, and ENV3a which protects the characteristics of the historic landscape.

After many years of stability, we now see it to be seriously under threat. I would urge the Planning Committee to reject this application on behalf of the people of Tenterden and its future generations.

Roy Arnold, Oaks Road

Planning Application 20/00175/AS

1. Paragraph 98 of the National Planning Policy Framework of 2019 states that:

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

If permission is granted for this building project to go ahead the **exact opposite effect** will be achieved.

2. Sandy Lane is an ancient, green footpath – a restricted byway and bridleway, much loved and much used by the population of Tenterden. The future of Sandy Lane in its current form will be placed in serious jeopardy, should planning permission for this project be granted.
3. By common consent, this building project is only viable if the applicants have vehicle access from the proposed new property to Sandy Lane as the new property would otherwise be landlocked.
4. The grant of vehicle access to the property lies solely with the absentee owner of **Huson Farm**, who currently owns the Lane. Public authorities have **no control** whatsoever over the **content, extent and nature** of such access agreements. They are private, commercial agreements between the parties - often costing tens of thousands of pounds - and, contrary to the opinion expressed by Tenterden Councillors when this matter last came before the Planning Committee in 2018, the Town Council will also have no control over **the number** of future licences that might be granted.

5. The nature and extent of vehicle traffic on Sandy Lane will therefore rest entirely in the hands of private landowners. As a matter of law, the only remedy thereafter to counter the consequences of increased vehicle traffic would be an action for the criminal offence of public nuisance which is a notoriously expensive and complex procedure.
6. The only formal, paved pedestrian access to the Recreation Ground from Sandy Lane lies squarely between the proposed new vehicular access and the Oaks Lane exit. We should be concerned about the potential traffic dangers to pedestrians including children and dogwalkers using this stretch of Sandy Lane up to Oaks Road. And we should be concerned about the damage more vehicles are likely to inflict upon this green artery, reaching as it does into the heart of the town.
7. This project cannot be said to **protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.** If permission is granted for this building project to go ahead the exact opposite effect will be achieved.

Professor Jeremy Cooper, Elmfield

An increase in the number of cars using the Sandy Lane footpath and bridleway if this application is granted will inevitably harm the character of this important green link to the High St.

This is contrary to the requirements of NPPF Paras 98 and 91c which require you to protect and enhance public rights of way and encourage walking and cycling, and ALP policies ENV5 and ENV3a which ask you to protect important rural features and characteristics.

The council has no control over the number of the number of people allowed to drive on the footpath by the owner, but it can manage the number of new properties being built that can only be accessed along the footpath. Whether one new dwelling or fifty it should be rejected.

ALP Policies TRA5 and TRA6 encourage you to connect public rights of way and increase journeys on foot and by bicycle. Sandy Lane is part of a key route identified by Sustrans as providing a potential dual-use cycling and walking route all the way between Shrubcote and Oaks Road. Increased car use from this application creating public nuisance from hazardous encounters, forcing walkers and riders off the path, or serious rutting is inconsistent with these policy objectives.

The proposed development may have no registerable right of access that guarantees vehicle access for future occupants or other people.

Usually when access is given over private land it is done through an easement, which creates an ongoing right of access for anyone seeking to get to the property. An easement cannot be given across a restricted byway if it would cause public nuisance, even if people driving a vehicle along the footpath had the personal permission of the owner. It is not open to the owner simply to re-designate the footpath as a highway as the number of vehicles then allowed to use the footpath would create a public nuisance.

The application says the development is a "logical grain of infill". Were it on a highway that may be correct, but since the only guaranteed access to the plot is by a footpath, then the NPPF Para 8 requirement of sustainable development and to make effective use of land is surely not met as vehicle access to this land will always depend on the owner of the footpath. Creating what is effectively a ransom strip with issues over maintenance and access is neither logical nor sustainable.

Stephen Sidebottom

Thank you for this opportunity to speak in support of our application to build a modest three bedroomed house in our garden. We would like to give our plans some context and try to correct some misconceptions, and allay the fears of some of our neighbours.

Our proposed half acre plot was part of the garden at The Croft ^{which} when it was built in 1903 ~~until~~ it was subdivided in the 1950s. We bought the central part of the house, and its acre of garden, in 1989 and have continued to enjoy it as the garden for Middlecroft for the past 30 years.

It is only recently that we have been considering our retirement and have investigated the idea of downsizing by splitting our garden logically in to its two titles to enable a second dwelling to be built.

Access to the proposed house would be down Sandy Lane and it is this aspect of our plans that seems to have raised some concerns.

We have negotiated an option to purchase an easement allowing us permanent access subject to planning permission. Any objections, based on the assertion that a new house could become landlocked are therefore misinformed. We are required to repair any damage that we might do to the lane during the build of a house and to maintain it thereafter.

The surface of the lane is controlled by its designation as a restricted byway and it is not allowed to be metalled, concreted or over-improved, so fears that it will be changed are likewise unfounded.

Any additional access will not affect the status of the lane, it will remain a restricted byway and will still be a green-route.

It has been stated that we are ignoring concerns about increased traffic down Sandy Lane, this could not be further from the truth. We live next to the lane and are well aware of how the top section is used. From the very beginning, we thought carefully about all the safety implications and made exhaustive enquiries with all the appropriate bodies to ensure our project was feasible.

The section from our back gate to Oaks Road is not heavily used by pedestrians, they mostly cross onto the recreation ground as soon as they can. Once the proposed new footpath is build around the perimeter of the recreation ground this is likely to used by pedestrians rather than a wet and muddy Sandy Lane.

We all too well aware that we are applying at a time when there is much opposition to large scale development in and around Tenterden. We share that concern and are actively involved in the Neighbourhood Plan and the Recreation Ground Development groups. However, this is just one house and the desirability of such windfall homes is highlighted in the 2030 Ashford plan.

You, the Town Council supported us in 2019, however, ABC were concerned about the proximity of Hales Place and the ridge height of our design. They suggested that we withdraw the application, move the house further west and redesign the roof. They told us that they would then be likely to approve our application. So, we took their advice and, with the help of Price Whitehead, adjusted our design and moved the house forward in the plot before resubmitting the application that you now have before you.

You supported our previous application a year ago and we trust that you will do so again with our improved plans.

Thank you for your time and patience.

M/S CLARKE

Appendix D – Standon Lane Appeal Decision



Appeal Decisions

Inquiry opened on 19 October 2021

Site visit carried out on 21 October 2021

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal A: APP/K2420/W/21/3274706

Appeal B: APP/K2420/W/21/3279939

Land north of Stanton Lane, Stanton under Bardon

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Both appeals are made by Wood Farm Holdings against the decisions of Hinckley and Bosworth Borough Council.
- The application the subject of Appeal A, No 20/00407/HYB, dated 1 May 2020, was refused by a notice dated 11 November 2020.
- The application the subject of Appeal B, No 21/00531/HYB, dated 21 April 2021, was refused by a notice dated 21 July 2021.
- In both cases, the development proposed comprises a *Hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers' dwellings and associated agriculture buildings and structures.*

Documents handed up to the Inquiry are listed at Annex B below and are prefixed with 'Doc'. Core Documents are prefixed with 'CD' and can be accessed via the electronic library https://www.hinckley-bosworth.gov.uk/info/200074/planning_and_building_control/1772/public_inquiry_wood_farm_stanton_lane_ellistown

Decisions

Appeal A

1. For the reasons that follow, the appeal is dismissed.

Appeal B

2. For the reasons that follow, the appeal is allowed and planning permission is granted for a hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers' dwellings and associated agriculture buildings and structures, on land north of Stanton Lane, Stanton under Bardon, in accordance with the terms of the application, No 21/00531/HYB, dated 21 April 2021, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural and Preliminary Matters

3. There are slight differences in the wording on each of the application forms and in the descriptions of development used on the Council's Decisions Notices. The description of development used in the header above is agreed by the parties.
4. Each appeal was accompanied by a schedule of planning obligations in the form of a draft deed of agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended). The provisions secured are a material consideration and are dealt with in more detail later on in this Decision.
5. Preparation of the emerging 2020-2039 Local Plan is still at an early stage. Whilst Regulation 18 consultation was undertaken earlier this year, consultation on a Regulation 19 version of the plan, that responds to the comments received during the Regulation 18 stage, has not yet been undertaken. Consequently, a full draft plan has not been published, meaning that there has not been an opportunity to consult on draft policies. That early stage means that the emerging plan carries little, if any, meaningful weight in my determination of this appeal.
6. Whilst the parishes of Stanton under Bardon and Bagworth and Thornton are working together to prepare a Neighbourhood Plan, preparation is still at an early stage. A Regulation 14 (pre-submission) consultation took place in Spring this year, with the Council's subsequent response raising a range of comments and queries, including the need for further changes and modifications to secure required conformity. Its early stage means that the emerging Neighbourhood Plan policies can be afforded little, if any, meaningful weight in my determination of this appeal.
7. In relation to the outline element of the schemes proposed, all matters other than access are reserved for future consideration. In addition to the site location plan and access details, the appeals are also determined on the basis of the respective Development Parameters Plans.¹
8. The appeal site is the same for both schemes, as are the access arrangements and the proposals for the replacement farmstead. The main differences relate to a reduction in the developable B2 and B8 use class floor space on the main site from 144,200 sqm in Appeal A to 89,200 sqm in Appeal B, leading to a reduction in developable area (reduced from 21.8ha in Appeal A to 16.5ha in Appeal B) together with increased landscaping and bunding and slightly reduced development plateau heights.
9. The plans indicate diversion of an existing public footpath (R9) that cuts across the southeastern corner of the proposed farm site. Were the appeals to succeed, the footpath could not be diverted unless and until a successful application for diversion had been made. That said, should such an application be unsuccessful, there would be no implications for implementation of the replacement farmstead, since it allows for the route to be retained on the definitive alignment, as shown on the Illustrative Landscape Strategy Plan.² The current route of the footpath therefore has no bearing on the outcome of these appeals.

¹ No 30865-PL-202La for Appeal A; No 30865-PL-202W for Appeal B.

² No 6756-L-10B in the appellant's respective Landscape and Visual Appraisals (LVAs)

Main Issue

10. The Council's objections to both schemes relate solely to the employment development proposed, with no objections raised to the proposed relocated farmstead. It was agreed in this regard, that the main issue in this case relates to the effect of the employment development, including associated infrastructure, on the character and appearance of the area, including the National and Charnwood Forests.

Reasons for the Decisions

11. The site is not allocated for development in the current development plan and is located outwith any defined settlement/development boundary. Consequently, it lies in open countryside for the purposes of planning policy. One of the most important policies in this regard is policy DM4 of the Hinckley and Bosworth Local Plan Site Allocations and Development Management Policies DPD (adopted in 2016).
12. The policy seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by protecting it from unsustainable development. It sets out that development in the countryside is considered sustainable where, among other things, it significantly contributes to economic growth, job creation and/or diversification of rural businesses. It was a matter of common ground in this regard, that both schemes would generate significant benefits in terms of economic growth and job creation. However, in order to be considered sustainable in the terms of the policy, development must also meet a further five criteria. Of particular relevance to these appeals is criterion i), which requires that development should not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

Site and Surroundings

13. Although the address given for both developments is Stanton Lane, the site for the relocated farm is on Ellistown Lane, which is a continuation of Stanton Lane as it heads towards Stanton under Bardon.
14. In addition to the existing farm buildings and mangers' dwellings, the main (employment) site comprises almost 33 hectares of gently undulating medium sized agricultural fields on a roughly north/south alignment, defined by field hedgerows and hedgerow trees. The site is traversed by a series of overhead power lines, supported on a range of pylons, originating from an electricity substation located just beyond the eastern site boundary, fronting onto Stanton Lane.
15. The western boundary of the proposed employment site is defined by the B585 (West Lane/Victoria Road). A number of mature trees and tree groups are located along this boundary, the southern end of which is covered by a Tree Preservation Order. The southern boundary of the site is defined by Stanton Lane. That length of the site frontage between the roundabout junction with West Lane and the existing farm buildings is well treed. The boundary beyond the farm buildings comprises hedgerow and some isolated mature oak trees.
16. Ground levels across the main site rise up from Stanton Lane to a ridge, beyond which is New Cliffe Hill Quarry and its associated rail spur. There is a general rise of around 17-20 metres across the site from south to north. The

top of the ridge slope, beyond the appeals site, rises more steeply than the fields and comprises a continuous strip of relatively young woodland. The northern boundary of the appeals site extends up to, but does not include that woodland. A public footpath (R114) runs from West Lane through the appeals site, along the edge of the elevated woodland here, towards Stanton Under Bardon.

17. A large part of the main appeals site consists of 'made ground', the site having been used to accommodate material associated with development of the adjacent quarry. The depth of that material above the original ground profile varies from roughly 1.00 – 3.5 metres, with pockets of deeper fill, including an area up to some 19 metres in depth at the highest point of the site.³ Together with the creation of new field boundaries, those works changed the historic character and topography of much of the site, albeit still agricultural in use and character.
18. In addition to the quarry, the immediate context of the site includes extensive and ongoing warehouse/distribution development to the west (on the opposite side of West Lane) and to the northwest (within the wider Bardon/Interlink employment area), a solar farm to the southwest on the opposite side of Stanton Lane (approved in 2015),⁴ with areas of farmland and pockets of woodland extending away to the south and southeast.
19. Strawhall Farm lies on the south side of Stanton Lane, opposite the main appeals site. The farmhouse and farm buildings are accessed via a long drive off the lane. There is a small group of houses further to the east on the southern side of the lane, with another farm further along, also on the southern side, opposite the proposed farm site. The village of Stanton under Bardon lies approximately 1 kilometre (km) to the east of the main site, some 300m to the east of the farm site, with the village of Bagworth lying approximately 1.3 – 2.3km to the south.

Employment Proposals

20. For Appeal A, the Development Parameters Plan indicates a core development zone split into three areas providing a maximum 114,200 square metres of B2 and B8 floorspace,⁵ including ancillary offices, surrounded by landscaping, including existing retained trees. For Appeal B, the Parameters Plan shows a single core development zone providing a maximum 89,200 square metres of B2/B8 floorspace⁶ surrounded by landscaping.
21. It was confirmed that whilst the maximum development heights extend across the whole of the core development zone on both plans, in practice, the buildings would be set back from the edges of those areas to accommodate parking, servicing, loading/unloading and lorry manoeuvring space etc around them. In this regard, whilst some of the photomontages show development at the maximum parameter height right up to the edge of the core development zone,⁷ it was confirmed that that would not happen in practice because of the

³ Doc 13

⁴ Doc 8

⁵ Development area 1: finished floor level 176.655-177.655m AOD, max height 21 metres; Development area 2: finished floor level 176.9-177.9m AOD, max height 21 metres; Development area 3: finished floor level 172.00-173.00m AOD, max height 18 metres

⁶ Within the core development zone, the finished floor level is shown as 177.00-177.50m AOD with a maximum building height of 21 metres

⁷ Figures 8(d)A, 8(e)A, 8(i)A, 8(j)A, 8(n)A, 8(o)A, 8(s)A, 8(t)A in the appellant's respective LVAs (CD 1.7 and 1.8)

servicing requirements etc referred to, as shown on the Illustrative Landscape Strategy plans.⁸ I am content in this regard, that whilst the employment element of the appeal schemes is in outline only, the other photomontages showing the developments proposed in relation to the baseline position on completion, and at year 15, are based on a realistic indication of the likely location of the proposed buildings at the maximum parameter height.

22. Both schemes involve cutting/filling a large proportion of the undulating site to create level development platforms. The submitted plans show that towards the higher, northern part of the site, the ground could be lowered by up to 10-15 metres, with land towards the south and east of the site, potentially raised by up to around 7 metres. In both appeals, that platform would be higher than Stanton Lane.⁹ The illustrative landscape strategy plans for both schemes, on which the landscape and visual evidence was based, also include the formation of substantial planted bunds.¹⁰
23. In the **Appeal A** scheme, the Illustrative Masterplan¹¹ shows two large units lying perpendicular to the lane within the larger, western portion of the site, with a third smaller unit lying parallel to the lane within the narrower eastern part of the site, set back towards the northern site boundary. A drainage attenuation pond is shown between that unit and the eastern site boundary. As shown on the Illustrative Landscape Strategy,¹² starting at the eastern end of the site frontage, the proposed bund would wend alongside the lane, between the lane and units 2 and 3. Whilst its height would vary, it would be roughly 9-11 metres higher than the lane, approximately 6-10 metres higher than the existing ground profile within that part of the site on which it would be constructed.¹³ The top and upper parts of the bund would be densely treed. In addition, an off-site tree belt to the east of the main appeals site, along the line of an existing north/south field hedge is proposed.¹⁴
24. The **Appeal B** scheme is shown as comprising two units in much the same position and of similar size as units 1 and 2 in scheme A, with the same height above ground level although on a slightly lower development platform. However, the eastern part of the site is entirely given over to landscaping, intended to provide what was described at the Inquiry as community woodland. Footpath links are shown as traversing that area.
25. The proposed bund is much more substantial than that in Appeal A. The Illustrative Landscape Strategy¹⁵ shows it curving around unit 2, between the building and the lane, before turning northeast through the site alongside unit 2, tying into the higher land on the northern site boundary. Whilst the height of the main bund would vary, it would be approximately 14 metres higher than the lane, approximately 12 metres above the existing ground profile within the site.¹⁶ The community woodland area, shown as including two attenuation ponds as well as retention of an existing pond, would also be mounded.

⁸ Plan No 6756-L-07E for Appeal A, No 6756-L-18A for Appeal B in the appellant's respective LVAs

⁹ Eg Illustrative cross sections Plan Nos 6756-L-11 and 6756-L-08C in the Appeal A LVA and Plan Nos 6756-L-11C and 6756-L-19 in the Appeal B LVA

¹⁰ Plan No 6756-L-07E (Appeal A LVA) and 6756-L-18A (Appeal B LVA)

¹¹ Plan No 30865-PL-203Ba (CD1.26)

¹² Plan No 6756-L-07E (Appeal A LVA)

¹³ Illustrative cross sections A-A and B-B on Plan No 6756-L-11 and D-D on Plan No 6756-L-08 C (Appeal A LVA)

¹⁴ Plan No 6756-L-09C (Appeal A LVA)

¹⁵ Plan No 6756-L-18A (Appeal B LVA)

¹⁶ Illustrative cross section A-A' Plan No 6756-L-11C (Appeal B LVA)

26. The access arrangements, which are the same for both schemes, comprise a new roundabout junction on the B585 (West Lane) located towards the northern corner of the site, and a car/motorcycle only access onto Stanton Lane, near to its junction with West Lane.

Character and Appearance

27. Landscape effects are generally defined as the effects of a proposal on the landscape as a shared public resource, with the quality and value of a landscape determining its capacity to absorb change. Visual effects relate to how people would be affected by changes to views and visual amenity at different locations.

Landscape Context

28. The appeals site and its surroundings do not lie within any national or local landscape designations and the main parties are agreed that it does not form part of a valued landscape for the purposes of paragraph 174 of the National Planning Policy Framework (the Framework). That is not to say however, that it has no value. Indeed, its current open, undeveloped character and appearance is clearly valued by the community.
29. Located within the National Forest, on the western fringe of Charnwood Forest and at the interface of a number of landscape character areas,¹⁷ the site is in an area of transition. Key landscape characteristics relevant to the site drawn from the range of Landscape Character Assessments include: a gently undulating landform with localised steep slopes around rocky outcrops; although a predominantly rural landscape there are urban fringe influences including poles/pylons, solar farms and effects of past and present coal and clay working; small to medium fields and a developing woodland character; contrast between areas which are visually open and enclosed depending on the elevation of the landscape; diverse land uses; several public rights of way, including the Ivanhoe Way, with large scale expansive views from higher levels.
30. The appeals site itself is predominantly shaped by its undulating topography with ground levels generally rising from south to north, medium-scale farmland, woodland, trees, hedgerows and the power lines that cross it. Whilst its topography is in no small part the product of operations associated with the adjacent quarry, it now forms a well-established part of the wider undulating landscape. These characteristics reflect some of the key characteristics identified in the various LCAs.
31. In terms of its context, whilst there are urban influences, I agree with the Council that other than the power lines crossing the site, these are limited in

¹⁷ Eg Mr Wheeler's Figure WW_02 and Figures 3, 4 and 5 in the appellant's LVAs. At national level, it is located on the eastern edge of National Character Area (NCA) 71: Leicestershire and South Derbyshire Coalfield and adjoins NCA 73: Charnwood. Within the East Midlands Regional Landscape Character Assessment (2010) the site is located in Landscape Character Type (LCT) 10d: Forested Ancient Hills. At county level, the site is within The Coalfield LCT as defined by the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy. At a more local level, the site forms part of Landscape Character Area (LCA) A: Charnwood Forest Settled Forest Hills, as defined in the Hinckley and Bosworth Landscape Character Assessment document (2017) adjoining LCA B: Charnwood Fringe Settled Forest Hills. The boundary between those two LCAs runs along Stanton Lane/Ellistown Lane at this point. In the later Charnwood Forest Landscape Character Assessment (2019) the site is shown as lying within LCA 6: Thringstone/ Markfield Quarries and Settlement, adjacent to LCA 11: Thornton Plantation Farmlands. The boundary between these LCAs runs along Stanton Lane for the most part, other than at the western end where the boundary dips south, such that the solar farm on the southwestern side of the lane is included in LCA 6.

terms of their visual impact. For instance, there is no discernible visual perception of the quarry from the appeals site or the surrounding countryside, with the combination of topography and vegetation meaning that the adjacent industrial development to the north/west (including the Bardon 2 scheme on the opposite side of West Lane (B585) generates only a limited influence on the character of the site itself. In essence, the generally agricultural appearance of the site provides a marked contrast to that built form of development.

32. I appreciate that on plan, the solar farm to the south, and the Pall-Ex building beyond, have effectively 'jumped' the apparent dividing line created by the B585, as has the quarry to the north of the site. On the ground however, they do not read in that way. The solar farm is on lower ground than the appeals site and is well screened in most views by existing boundary vegetation around that site. The Pall-Ex building lies further to the southwest, beyond the solar farm, again on lower ground and does not impose itself on the appeals site. When seen in context, their presence affects the landscape of the appeals site only to a very limited degree.
33. The landscape value of the site is described by the appellant as medium, with the Council agreeing, albeit maintaining that it is towards the higher end of the range of that as a consequence of the views from higher elevations ie from public footpath R114 as it traverses along the undulating northern site boundary.¹⁸ From my own observations on the site visit, I tend towards the Council's view on this. In terms of sensitivity to development, I recognise that at county level, landscape character area B Charnwood Forest¹⁹ referred to by the Council is identified as having a moderate-high sensitivity to change, but the appeal site lies within area is separated from that by the quarry. In relation to the more local LCAs, it seems to me that in general, the landscape can be described as having a generally medium overall sensitivity to change.

Visual Context

34. In places, the appeal site is well contained by mature vegetation and the undulating landform. That is particularly true for the western corner of the site. However, the generally rising landform means that the site is visible over a wider area than would otherwise be the case. There are publicly available views into and across the site including from West Lane at the northern end of the site, and from Stanton Lane; from public footpath R114, with views being from an elevated position here, including not only the appeal site but which also encompass impressive longer range panoramic views to the south/southeast; from footpath R31 which connects R114 to Stanton Lane, adjacent to the electricity substation and which forms part of a circular National Forest route (Grange Walk); and from the northern ends of footpaths R33 and Q99 on the opposite side of the lane. There are also views from the private drive that leads to Strawhall Farm, although the house itself is generally orientated to face east/southeast, away from the appeal site.²⁰
35. There are also longer range views of the appeals site, including from properties on the southwest edge of Stanton under Bardon and the adjacent stretch of the Ivanhoe Way footpath, and more distantly from properties on the eastern side of Bagworth, as well as from various other public rights of way.²¹

¹⁸ Eg photoviewpoints 6 and 6 in the appellant's LVAs

¹⁹ Identified in the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy

²⁰ See eg photoviewpoints 1, 4, 5, 6 and 7 in the appellant's LVAs

²¹ See eg photoviewpoints 9, 10, 15 and 16 in the appellant's LVAs.

Landscape and Visual Effects

36. Whilst I have been guided by the formal assessments undertaken by both parties, my views on both this matter and the visual effects, are also informed by what I observed during my extensive site visit.
37. It is unavoidable that the built development and major earthworks proposed would have a dramatically adverse impact on the landscape character of the site itself. The farmland would be replaced by built development, together with extensive areas of cut and fill to create level development platforms within the site, substantial bunding, and access arrangements including a new roundabout on the B585. Those alterations would be readily apparent, particularly during construction and on completion, in views from the adjacent farmstead (Strawhall Farm) the local public rights of way network across and around the site, from Stanton Lane/Ellistown Lane and the B585, and in longer range views from the wider countryside. As confirmed by the photomontages in the appellant's respective Landscape and Visual Appraisals (LVAs) those impacts, particularly in terms of built form, would be much greater in terms of Appeal A than Appeal B.
38. After 15 years, as the screening effects of the proposed planting, combined with the bunding, start to have a meaningful effect, the effects reduce to varying degrees. In the **Appeal A** scheme, whilst the planting and bunding would reduce the impact in views from Stanton Lane, the buildings would, even after 15 years, still be seen to have a significant adverse effect on the landscape. In views from the southwestern edge of Stanton Under Bardon and from the adjacent stretch of the Ivanhoe Way, whilst the buildings would breach the skyline, that would not be to any material degree. Moreover, the skyline in that view is already punctuated by electricity pylons. Combined with the distances involved, I am content that the off-site planting belt referred to earlier, along an existing hedged field boundary, would sufficiently mitigate that impact in those views. In longer range views from the southeast however, the planting/bunding would have little effect. The buildings proposed would breach the skyline over a significant distance of the horizon, with a consequential significant effect on the landscape, especially given the agricultural context of those views. From more distant vantage points to the south on the southeastern edge of Bagworth, the buildings would also be clearly discernible, spreading across a significant extent of the horizon. I recognise that the existing brickworks and Bardon 2 buildings can be seen those views but even so, the introduction of the substantial buildings proposed spreading across a much more of the horizon would have what I consider to be a significant adverse impact in those views.
39. There are no photomontages of future views across the appeal site from that part of footpath No R114 which traverses the length of the northern site boundary. As can be seen on cross-section D-D,²² together with the Illustrative Landscape Strategy, whilst some planting is proposed between the footpath and the top of the area to be excavated, the top of the units proposed, even on their excavated platform, would be higher than the level of the footpath, with users of the footpath looking down into the development site for some considerable distance. Moreover, not only would the introduction of planting

²² Plan No 6756-L-08C in the Appeal A LVA

here also screen the impressive long, wide-ranging views to the south/southeast that are currently to be had, but any increase in planting to screen views into the site and of the buildings would further impede any remaining longer range views. Whilst it was maintained that there would be views between proposed units 2 and 3, those would be constrained by the buildings to either side and would be across parking and access roads etc. I am in absolutely no doubt that in views from the footpath as it passes through the appeal site, and in views when approaching from the east on the footpath (once past the tree planting belt referred to earlier) the impact of the proposal would be substantial and adverse. The combination of adverse effects identified cannot, in my view be considered as anything other than resulting in significant harm to the intrinsic value, beauty, open character and landscape character of the countryside.

40. In the **Appeal B** scheme, the amount of built development is reduced, the development platform is very slightly lower and the extent and height of the proposed bunding is increased, as is the amount of planting. Dealing firstly with the buildings proposed, after 15 years, as is demonstrated by the photomontages, the development would be well screened in views from the lane, from the edge of Stanton Under Bardon, in longer range views from the southeast and from the more distant vantage points on the southeastern edge of Bagworth. The proposed bunding and planting would, in my view, largely mitigate the impact of the development on the landscape in those views.
41. Based on cross-section D-D,²³ together with the Illustrative Landscape Strategy, the impact in relation to units 1 and 2 would be virtually identical to that described for the Appeal A scheme in terms of views from that part of footpath R114 adjacent to the site. Absent unit 3 however, those adverse impacts would affect a shorter length of the footpath than would be the case in the Appeal A scheme. Similarly, on approach along the footpath from the east, the bunding and extensive planting would screen views of the buildings until the viewer was much closer to them. That said, I am in absolutely no doubt that in views from the footpath as it passes by the appeal site, the adverse impact of the proposal would, nevertheless, be substantial.
42. Moving on to the bunding, the Council maintained that its size and form mean that it would be seen as oppressive for those travelling along Stanton Lane. I do not agree. This is an undulating rural landscape with generally open views across falling land to the south/southeast of the lane. Views to the north from the lane, across the appeal site, are already of rising land. The bund would not run alongside the entire length to the site frontage. Rather it would lie between the lane and the corner of proposed unit 2 (opposite the drive to Strawhall Farm) before heading into the site alongside unit 2, to tie in with the higher land to the north.
43. As can be seen in the cross sections within the LVA,²⁴ the foot of the bund would be set back from the edge of carriageway by approximately 6 metres, behind the conserved roadside trees and hedging, with the maximum height of the bund not reached until some 45 metres or so back from the carriageway edge. The top and upper slopes of the bund would be densely treed. Whilst those using the lane would no doubt be aware of the rising land on the appeal

²³ Plan No 6756-L-19 in the Appeal B LVA

²⁴ Eg cross-section A-A1 on Plan No 6756-L-11C and section D-D on Plan No 6756-L-19

site, I see no reason as to why this would necessarily be seen as oppressive, especially given the open land on the other side of the lane, in much the same way as the steeply rising treed crest of the ridge, adjacent to footpath R114 as it traverses the northern boundary of the appeal site, is not experienced in anyway as oppressive.

44. In terms of the form of the bund, I am mindful that even though fill material currently on the site is up to 19 metres in depth, it has still been formed in such way as to reflect the undulating nature of the area. I note, in this regard, that the bund is shown on the illustrative landscape strategy as having a sinuous form, with differing widths along its length and with the top and upper parts densely planted, as would be the mounding shown within the community forest within the eastern part of the site.
45. The proposed bund is clearly a very substantial feature of itself and it would undoubtedly change the contours and appearance of the appeal site. However, change does not necessarily equate to harm. Indeed, the final contours would be subject to detailed design at a later stage, a matter over which the Council would have a degree of control were the appeal to succeed. I am also mindful that key characteristics of the landscape character areas here include localised steep slopes around rocky outcrops, and a developing woodland character with contrast between areas which are visually open and enclosed depending on the elevation of the landscape. Moreover, key opportunities include the provision of new woodland cover, as well as ensuring that, in this open landscape, the design of urban fringe developments, including warehousing and light industrial units, mitigates the visual impact on the landscape by, for example, planting shelterbelts or constructing bunds where appropriate and compatible with the landscape. In that context, the bunding, especially once the planting becomes established, would not of itself necessarily be seen in my view, as a significant detractor in the landscape. That said, I consider that whilst most impacts could be mitigated such that any harm to the intrinsic value, beauty, open character and landscape character of the countryside could be considered as minor/moderate adverse, the effects in terms of the impact on the site itself and the experience of users of R114 would so substantial that the overall effect falls to be considered as significant.

Conclusions on Character and Appearance

46. Whilst Mr Wheeler (for the Council) sought to argue that the appeal site is unsuitable in principle for the type of development proposed, I do not agree. Policy DM4 clearly accepts the principle of new development where, among other things, it significantly contributes to economic growth and job creation. As set out at the start, there is no argument that the appeal scheme would make a significant contribution in this regard. Thus, there can be no objection in principle. Rather it is the specific impacts of the schemes that needs to be assessed.
47. In relation to both schemes, I have found the harm to the character and appearance of the countryside that would be a consequence of the developments proposed to be significant, even at year 15 when the proposed mitigation planting might be expected to have a meaningful effect. I find the harm in relation to Appeal A to be materially greater than in Appeal B. Nevertheless, in both appeals, that brings the development into conflict with policy DM4, one of, if not the most important policy in this case.

Benefits of the scheme

48. Market evidence in the September 2021 CBRE Report,²⁵ updates key points in earlier reports regarding the shortage of employment land supply, and the significant increase in demand for large scale sites and buildings. The Report confirms that demand has increased notably through the pandemic, where the trend towards increasing use of online 'e-retail' for a range of goods and products accelerated. This, coupled with Brexit and associated structural changes to supply chains and the movement of goods, is reported to be driving demand for more storage and distribution space (and generally larger buildings) across the Midlands and other key locations in the UK distribution sector within the M1 corridor, including the appeals site.
49. Demonstrating the severity of the imbalance between the supply of land and buildings and demand, the CBRE identifies an existing supply equivalent to around three months' demand in the Midlands and UK, compared with a healthy, sustainable level which would normally be around 12-15 months' supply space. I am in no doubt in this regard, that the appeal schemes, which build on the successes of previous phases at the adjacent Mountpark Bardon site, would help meet a number of large-scale local requirements that are currently looking in the Bardon area, but which remain unsatisfied due to a shortage of existing warehouse space and land availability. This is a consideration that attracts significant weight, particularly so given the prime location of the site within what is termed by the market as the Golden Triangle, at the core of the UK logistics market, with excellent access to the strategic road network at the M1 (Junction 22) via the A511 growth corridor, and having regard to paragraph 83 of the Framework, which confirms that planning decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
50. Local residents drew attention to the supporting text to DPD policy DM20, relating to the provision of employment sites,²⁶ in particular the reference to sufficient employment land being available in the Borough to support the identified growth over the Plan period. However, the DPD was adopted in 2016 and would have been based on an older evidence base. The independent CBRE report draws on much more up to date figures and its findings were not challenged with any substantiated evidence. I am content, in this regard, that there is a demonstrated need for the development proposed.
51. In addition to helping meet the pressing needs of logistics operators, the appellant's Socio-Economic Statements predict, in relation to Appeal A, that with an indicative construction cost in the region of £80 million, the scheme would support around 575 construction jobs each year over an estimated 24 month construction period, with the development itself, once completed, having the potential to support around 1,500 FTE jobs (calculated on B8 logistics and distribution uses) more if B2 manufacturing is included. Whilst it is difficult to define precisely the nature of the job roles that would be supported on site, I was advised that these would, contrary to the views of

²⁵ Appendix 1 to the proof of Mr Harley. This report post-dates

²⁶ The policy, identified by the main parties as one of the most important policies in this case, allows for the development of new employment sites outside settlement boundaries on greenfield sites where, among other things, there are no suitable alternative sites identified sequentially in a range of locations, one of which relates to land adjacent to existing employment areas. It is a matter of agreement that there is no conflict with this policy.

some local residents, range across a number of occupations, both higher and lower-skilled. It is also estimated that around 800 jobs (out of the 1,500 jobs supported on site) would be likely to be staffed by residents from within a 10km radius, including areas that exhibit relatively higher deprivation such as Bagworth and Thornton, Groby and Coalville. The higher median salaries for jobs in logistics are also expected to support a further 430 FTE jobs within the supply chain and as a result of induced spending in the area generally. Wider fiscal benefits would also be created for the Council, primarily through an increase of some £1.7 million in business rates revenue.

52. Corresponding figures for the Appeal B scheme suggest an indicative construction cost in the region of £63 million, supporting around 450 construction jobs each year over a two year construction period, with the development itself, once completed, having the potential to support around 1,200 FTE B8 logistics and distribution jobs, more if B2 manufacturing is included, which jobs are likely to range across higher and lower-skilled occupations. It is also estimated that around 650 jobs of those jobs would be likely to be staffed by residents from within a 10km radius, including local areas that exhibit relatively higher deprivation. The higher median salaries for jobs in logistics are also expected to support a further 350 FTE jobs within the supply chain and as a result of induced spending in the area generally, with wider fiscal benefits for the Council in the form of some £1.3 million in additional business rates revenue.
53. Although unquantified, additional employment benefits relating to both schemes include the apprenticeships and works experience and skills related training opportunities which are included in the planning obligations.
54. There was no dispute between the parties that the weight that can be afforded to the combination of `all these employment and economic benefits is significant. I have no reason to disagree.
55. To differing degrees, both schemes include the creation of additional public footpath links in the area. The Illustrative Landscape Strategy for Appeal A shows a footpath running along the eastern and southern site boundaries, linking the existing footpath R114 along the northern boundary of the site to the northern end of footpath Q99 (adjacent to the junction of the Strawhall Farm access with Stanton Lane). That could benefit local walkers and is a consideration to which I afford some, albeit limited weight, especially since footpath R114 already links to Stanton Lane just a short distance to the east, via footpath R31.
56. I afford slightly more weight in this regard to the Appeal B scheme, which includes a network of paths criss-crossing the proposed community woodland linking Stanton Lane to footpath R114. It also includes a footpath running alongside Stanton Lane but contained within the site, providing an alternative to that part of Grange Walk which currently runs along the lane requiring users to walk on the carriageway. That internal path also extends further along the site frontage, facilitating off-road pedestrian access to the two units proposed. I recognise that the lane is not heavily trafficked at present, but in my experience, it is not only safer but is generally more pleasant to walk along an off-road route where possible.
57. Whilst the secured contributions towards local bus service improvements and off-site footpath improvements are required as mitigation for the development

- proposed, there would also be some potential benefits for existing users. I afford these benefits limited weight.
58. The appellant refers to the buildings in both schemes meeting a BREEAM rating of 'excellent' as a benefit. Whilst policy 24 of the Core Strategy requires that from 2016 onwards, schools, hospitals and offices should meet this standard as a minimum, there is no reference to B8 or B2 uses. I see no reason, however, as to why the same standards should not apply. Nevertheless, since what is proposed goes above what is currently required by policy, and were it to be secured by condition, I consider that it would be a benefit but one that would attract only limited weight in the circumstances.
59. The appeals site lies within the National Forest. The Appeal A scheme is unable to meet the requirement in the National Forest Strategy for at least 30% of the total site area to comprise Forest green infrastructure. To address that, an additional off-site tree belt is proposed (as referred to earlier) secured via the planning obligation. I am not persuaded, however, that compliance with the guidelines is anything more than an absence of harm in this regard. If it attracts any positive weight at all, that weight would be limited in my view, particularly as hedgerows and hedgerow trees would be lost to the development proposed.
60. The Appeal B scheme includes much more substantial planting, including a community woodland. Whilst that is provided as mitigation in the main, to reduce the landscape and visual impacts of the development proposed, it exceeds the minimum 30% requirement, with some 47% of the total site area being dedicated to landscaping, green infrastructure and habitat related works, including the planting of some 10,000 trees. This is a benefit that attracts moderate weight in this case.
61. Whilst it could not be confirmed that there would be a biodiversity net gain in relation to the Appeal A scheme, it was agreed that the Appeal B scheme could achieve a biodiversity net gain. That is a benefit that attracts some positive weight, albeit tempered by the fact that it is unquantifiable at this outline stage. On that basis, I afford that benefit limited weight.

Planning Obligations

62. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
63. The planning obligations are supported by a CIL Compliance Statement prepared by the Council, which sets out its reasons for concluding that the various obligations would accord with Regulation 122 of the CIL Regulations. I allowed a period after the close of the Inquiry for the submission of signed versions.²⁷
64. With one exception, both the planning obligations make the same provisions subject to the usual contingencies. Those provisions can be summarised as:
- a financial contribution towards specific elements of the Coalville Transportation Infrastructure Strategy;

²⁷ Docs 20 and 21

- a financial contribution towards monitoring of the sustainable travel accreditation and recognition scheme;
 - a County Council monitoring contribution.
 - submission of a scheme providing opportunities during construction of the development for apprenticeships and works experience and skills related training;
 - submission of an ongoing management and maintenance plan for the open space within the site;
 - carrying out specified footpath improvements in the vicinity of the site or, in the alternative, paying a footpath contribution to allow the County Council to carry out the specified works;
 - provision of employee travel packs and submission of a sample travel pack to the County Council together with an administration fee or, in the alternative, payment of a travel pack contribution to allow the County Council to provide travel packs;
 - provision of employee travel passes or, in the alternative, payment of a travel pass contribution to allow the County Council to provide travel passes;
 - appointment of a Travel Plan Coordinator for period of no less than five years from first occupation of the final unit to be occupied.
65. As noted earlier, the Appeal A scheme would not provide the required on-site woodland planting in accordance with the National Forest Strategy. To that end, the related S106 Agreement also secures implementation of the off-site area of native woodland planting, pursuant to policy 21 of the Core Strategy, as shown on Plan No 6756-L-09C.
66. The various obligations and the Compliance Statement were the subject of detailed discussion at the Inquiry. Among other things, I was concerned to ensure that the various monitoring fees were properly justified. In light of that discussion, I am satisfied that all the contributions and obligations referred to above are consistent with relevant planning policies, objectives and guidance. They are directly related to the development schemes and are fairly and reasonably related in scale and kind to them, mitigating potential harmful effects on the environment, as well as securing some of the benefits promoted by the schemes. I am content, therefore, that the obligations comply with the requirements set out in the Regulations and the Framework and can be taken in to consideration.

Other Matters

Replacement Farmstead

67. Delivery of the employment element of the appeal scheme necessitates the relocation of the existing farmstead. Full planning permission is sought in relation to this aspect of the scheme. The details the subject of the full application are the same in both appeals.
68. The proposals include two x two-storey replacement farm mangers' dwellings with extensive curtilages, a farm workshop and four agricultural buildings (two

cattlesheds, a grain store and a bullpen/calving units building) plus a covered cattle handling area. The two dwellings would be located one to each side of the proposed farm access drive off Ellistown Lane. The drive would extend beyond the existing hedgerow into the rear of the site where the farm buildings would be located. The workshop building would be located within the curtilage to House No One. Additional planting within the site is proposed, plus a balancing pond in the southeastern corner.

69. Whilst the Council takes no issue with this element of the proposals, local residents had some concerns. Farm workers' dwellings are an appropriate form of development in the countryside and in this case would be closely related to the proposed farm buildings. The agricultural buildings would be typically functional in appearance, appropriate for modern farm buildings. The dwellings would be of brick and tile and would include features such as chimneys and projecting gables to enliven the frontages. Whilst some local residents queried the size of the replacement dwellings compared with the existing dwellings on the holding, it is clear from the plans before me that they are roughly commensurate in terms of floor area. I am content therefore, that should there be a need to replace the existing farmstead such that this element of the appeal schemes is acceptable in principle, then the scheme proposed would not have a materially harmful impact on the character and appearance of the area.
70. Other concerns referred to light pollution and also to odour, given that the farm enterprise involves livestock rearing. Whilst the farm buildings would be closer to existing residential properties than is currently the case, the distance separation and landform, combined with conditions requiring an odour management plan and control over external lighting were the appeals to succeed, would be sufficient in my view to ensure that there was no material harm to the living conditions of existing residents. The distance separation combined with orientation of existing dwellings and intervening vegetation and landform also mean that there are no issues, as asserted by some, in relation to overlooking or material loss of outlook.
71. *Highways:* Although not a reason for refusal, there was considerable concern in relation to the amount of traffic that would be generated by the appeal schemes. Given those concerns, the appellant fielded a witness, at my request, to present highways evidence to the Inquiry.
72. In relation to concerns about traffic routing through Stanton under Bardon, the journey time analyses in the evidence of Mr Cummins clearly demonstrate that it would generally be much quicker, as well as easier, for HGVs leaving the site to drive along the B585 to get to the A511, whichever direction the vehicles then take (either east to the M1, or west). I was also advised that once planned works to the Flying Horse roundabout are completed, as part of the package of improvements planned for the A511 Growth Corridor, it will not be possible to turn right out of Stanton Lane, making a route via the village even longer. The same goes for cars, where routes to nearly all destinations via the B585 will be quicker and easier, although I recognise that cars drivers are generally less restricted in their route choice. To place some control on car routing, the proposed car park access onto Stanton Lane would be designed to prevent right in/left out movements. Whilst drivers could U-turn at the existing roundabout on the B585 and travel back along the lane, that is unlikely to be attractive in terms of travel time for anyone other perhaps, than those, for instance, whose destination is Stanton under Bardon, or possibly Thornton.

73. In relation to farm traffic, which was also mentioned by some, the existing farm is served by three separate driveways. Both proposed schemes would utilise a new, single access (serving both the new dwellings and the farm buildings) at a point further east along Ellistown Lane, designed to comply with the relevant design criteria. There would be no overall increase in associated vehicle movements, with the existing accesses to be closed off. I find no harm in this regard.
74. In relation to wider concerns, in accordance with national guidance, the appellant's evidence on traffic impacts is based on cumulative assessments derived from background traffic levels (ie without the development proposed) determined via traffic counts, which were then 'growthed' to a future assessment year, to which traffic derived from committed developments was then added. Evidence to the Inquiry on this confirmed that the committed developments relied on, included the various schemes referred to by local residents. I am also mindful that adding both general traffic growth and committed developments to current background levels creates a very robust set of traffic forecasts.
75. The results of the assessments demonstrate that in both cases, whilst most of the local junctions would operate within capacity, some key junctions on the A511 would operate overcapacity, even without the proposed developments in place. That is a longstanding problem. Performance would deteriorate further with the development in place, increasing queuing and delays. To address that, the appellant has agreed to the requested contribution towards improvements at eight of the key junctions in the Growth Corridor.
76. I recognise that the A511 improvements would not necessarily be in place by the time the development proposed was operational, but that is because they are part of a suite of improvement works set out in the comprehensive Coalville Transportation Infrastructure Strategy. The scale of the works encompassed by the Strategy is dependent on funding from various developers, plus Government contributions. A bid to the Government's Major Road Network investment programme is currently being pursued. There was no suggestion in this regard, that the works would not be carried out within a meaningful timescale. Moreover, both applications were supported by a suite of related technical evidence supplemented by a series of Technical Notes, the upshot of which was that initial objections by Highways England (now National Highways) and the local Highway Authority (Leicestershire County Council) fell away. In essence, subject to planning conditions and the relevant contributions etc, both bodies are content that neither scheme would result in residual highways harm. In the absence of any substantiated evidence to the contrary, I have no reason to come to a different view.
77. Accessibility: Whilst this was a concern for some, it is clear from the evidence before me that there would be plenty of opportunities to travel to and from the development by sustainable means. The site is readily accessible by bicycle, with a network of cycle routes to the north of the site, along with a significantly increasing population. There are opportunities for bus travel, with bus stops accessible via the footways on the B585, with bus service improvements, in particular to the Coalville to Leicester and the Ibstock to Coalville services, and other improvements such as new stops and diversions to serve the site, secured by the planning obligations. The site is also served by a network of public footpaths, which would be the subject of improvements secured by the

- planning obligations, as well as new footways along the site frontage on the B585, connecting the new Stanton Lane roundabout with the existing footways and bus stops.
78. Whilst the modal share forecast indicates that only some 22% of journeys to work would be by sustainable modes, both applications are accompanied to a Framework Travel Plan setting out the measures aimed at increasing opportunities over time. Measures include the appointment of a Travel Plan Co-ordinator, management and monitoring regimes, enablement of car sharing, electric vehicle charging, cycle parking, showers, and other specific initiatives. The measures also include a travel pack and a free six month bus pass for each employee. I am satisfied, therefore, that appropriate opportunities to promote sustainability transport modes have been taken up and that there would be no conflict with paragraph 110 of the Framework in this regard.
79. *Heritage Assets:* The existing farmstead includes a complex of traditional farm buildings arranged around a central courtyard dating back to the 18th and 19th centuries. It is understood that the farmhouse was demolished in the late 20th century and replaced with the current modern, brick-built bungalow of little intrinsic interest. However, the remainder of the courtyard plan and the early farmyard buildings survive as a relatively intact complex and are considered as a non-designated heritage asset. The appeal schemes involve the demolition of all the existing buildings to facilitate redevelopment of the site. There is also the potential for archaeology at the proposed farm site from the post-Medieval period, due to evidence of ridge and furrow on the site. Again, any interest in this regard relates to a non-designated asset.
80. Although both developments proposed would result in the total loss of heritage significance of the respective assets, there is no substantiated evidence before me to suggest that the assets are of any more than local importance. As such, these assets do not have high significance either in terms of scarcity or heritage value in a wider sense. The Framework makes it clear that the effect of proposals on the significance of non-designated heritage assets should be taken into account in determining the application, with a balanced judgement to be made. That balance is dealt with later in this Decision.
81. *Pollution:* Various comments referred to concerns in relation to implications of the employment element of the appeal schemes for air quality and noise and light pollution. All these aspects were the subject of extensive reports that accompanied the respective applications.
82. In relation to air quality, the appeals site is not situated within an Air Quality Management Area. In relation to both schemes, the technical assessments conclude that with appropriate mitigation measures, which can be secured by conditions were the appeals to succeed, the residual effects of dust and emissions from construction plant/vehicles upon the local area whilst adverse, would be temporary and would not be significant. For the operational phase, the air quality dispersion modelling demonstrates that potential impacts would be negligible, with all modelling locations below the respective annual mean objectives and targets.
83. The Noise Impact Assessments confirm that appropriate conditions to manage construction works in both schemes would sufficiently mitigate impacts at that stage. The Assessments also confirm that the magnitude of change in both the short and long term with regard to changes in road traffic noise that may occur

- as a result of the proposed developments would be negligible, with no adverse effects expected in this regard.
84. For both schemes, in terms of operational sound during the day, the predicted rating level from the proposed development would not exceed the background sound level at any of the modelled locations and therefore no adverse effects are expected. During the night, the predicted rating levels at most of the modelled locations would be below the background noise level, again indicating that no adverse effects would be expected. However, in relation to the Appeal A scheme, the rating level at Strawhall Farm is predicted as exceeding the typical background sound level by 6dB, and on Stanton Lane, close to the proposed site for the relocated farm, the predicted rating level is predicted as exceeding the sensitivity test background sound level by 4 dB, indicating the potential for adverse effects at those locations. However, the Assessment goes on to conclude that the predicted operational sound is unlikely to be intrusive in the context of the absolute levels of sound and existing sources of noise at those locations. On that basis, no adverse effects were considered likely and no additional mitigation was considered necessary, notwithstanding that there would be inherent mitigation in the form of the proposed bunding around the service yard of unit 2, and to a lesser extent unit 3.
 85. In relation to the Appeal B scheme, the predicted night time rating level at Strawhall Farm would exceed the typical background noise level by just 1dB. That slight exceedance is unlikely to give rise to any adverse effects. The maximum night time noise levels from operational HGV activities for both schemes were also considered and are predicted to be considerably below the relevant threshold for adverse effects.
 86. In relation to light pollution, the relevant technical reports confirm that subject to design principles to be applied to the external lighting, which would limit the spread of light beyond the areas to be illuminated, prevent glare and avoid emission of upward light, no significant effects on the modelled receptors are predicted.
 87. No substantiated evidence was presented by objectors to undermine the conclusions of the Noise, Air Quality and Light Assessments. I am mindful, in this regard, that the Council's own environmental officers took no issue with the findings subject to conditions. In the absence of any evidence to the contrary, I have no reason to come to any different view from that set out in the technical reports and assessments.
 88. Drainage: Various references were made to localised flooding and drainage problems. The sites lie within flood zone 1 and in flood risk terms there is no objection in principle to the location of the proposals. Both applications were accompanied by Flood Risk Assessment/Drainage Statements which set out that the surface water strategy is to collect the run off from impermeable areas into a drainage system that utilises sustainable drainage features and which restricts the discharge to the equivalent greenfield run-off rates, achieved through the use of attenuation ponds and flow control devices. On the evidence before me, I am satisfied therefore that the developments proposed would not increase the risks of flooding in the wider catchment, subject to conditions.
 89. Quarry restoration: There was concern that the developments proposed could jeopardise future restoration of the adjacent quarry. Whilst no-one was able to

provide me with any approved restoration plans for the quarry, I was shown potential restoration plans.²⁸ Those scheme do not rely on any part of the appeal site for implementation, with neither of the appeal schemes having any impact on the ability to implement those restoration schemes.

90. *Wildlife*: Both appeals were accompanied by extensive ecology reports across both sites, confirming that the improved grassland, which comprises the majority of the existing habitat, is of low ecological value requiring no specific mitigation. Where there are habitats of higher ecological value, mitigation is proposed, including retention of boundary hedgerows, replacement planting including National Forest planting, provision of bat/bird boxes and areas of rough grassland to provide foraging habitat eg for badgers. Details of recommended mitigation are set out in the Lockhart Garratt Ecology Summary Report V4 and could be secured by condition were the appeals to succeed. I am satisfied that there would be no material harm in this regard. Moreover, as set out earlier, whilst there is no guarantees of any biodiversity net gain in relation the Appeal A scheme, it was a matter of agreement that the Appeal B scheme could achieve a net gain in this regard.

Overall Planning Balance

91. I have found that both appeal schemes would result in significant harm to the intrinsic value, beauty, open character and landscape character of the countryside. That brings them into conflict with policy DM4. That conflict also means that the schemes would not accord with other policies, including policy 21: National Forest and policy 22: Charnwood Forest of the Core Strategy, both of which are supportive of development where, among other things, it retains and respects local character and complements the landscape. I am of the view therefore, that the developments proposed would conflict with the development plan considered as a whole. There is no suggestion in this regard that DM4, or indeed any other of the policies deemed to be the most important in this case, are to be considered out of date.²⁹ Consequently, my decisions are to be made in accordance with the development plan unless material considerations indicate otherwise.
92. In relation to the larger Appeal A scheme, I consider the harm to the character and appearance of the countryside to be at the higher end of the scale of significant. To be added to that is the harm that would be a consequence of the total loss of significance of the non-designated heritage assets. The benefits outlined above whilst considerable are not, in my view, sufficient in this instance to outweigh the combination of those harms such as to merit a decision other than in accordance with the development plan.
93. The Appeal B scheme involves materially less built development than that the subject of Appeal A, with considerably more landscaping and bunding. Whilst the Council felt that the increased bunding was itself a harmful feature in this location, I have found it to be not unacceptable. Nevertheless, I consider the harm to the countryside would be significant, although towards the lower end of the scale. There is also the harm as a consequence of the loss of significance in relation to the non-designated heritage assets. Such harm is to be given considerable importance and weight. I consider that the harms identified mean that the scheme would not comply with the development plan

²⁸ Doc 11

²⁹ CD7.12 Policy Position Statement

as a whole. In the overall planning balance however, I consider that the package of benefits is of such substance, in particular the economic and employment benefits, that it outweighs the harm that I have identified in this case.

Conditions

94. I have considered the suggested conditions in relation to Appeal B in light of the related discussion at the Inquiry and the advice in both the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the attached schedule reflect that discussion. During the discussion it was agreed that a number of the suggested conditions could be combined, needed re-wording, duplicated others, were otiose or were unnecessary for various reasons. Other conditions were added. The conditions below reflect that discussion.
95. The conditions numbers referred to below reflect those in the attached schedule. Conditions 9-15 and 33-45 are necessarily worded as pre-commencement conditions, as this information, and related compliance with the agreed details, needs to be secured from the outset for the reasons set out below.

Conditions relating to the outline permission:

96. Conditions 1, 2 and 3 are required to comply with the requirements of Section 92 (as amended) of the Town and Country Planning Act 1990.
97. Although this is an outline application, it was accompanied by a considerable amount of supporting information which informed the landscape and visual appraisals. It is necessary, therefore, to ensure that the reserved matters applications are in broad accordance with the development parameters plan, the illustrative masterplan and the illustrative landscape strategy (4). Given the size of the scheme, it is necessary to secure of phasing for delivery of the development in order to ensure that the site is developed in a comprehensive manner, minimising disturbance and disruption in the locality (condition 5).
98. To provide certainty, it is necessary to identify the plans to which the decision relates, but only insofar as they relate to access, which is not reserved for subsequent approval (6).
99. Given the undulating nature of the site and the extent of the groundworks proposed, details of finished ground and floor levels are required in the interest of visual amenity (7). Details of any external plant etc are also required in the interest of visual amenity (8).
100. In order to minimise disruption during the construction process for local residents, local businesses and those travelling through the area, and to protect the environment, condition 9 secures a Construction Environment Management Plan, with condition 10 setting out hours during which work can take place on the site.
101. Given the potential for buried archaeology on the site, a programme of archaeological work is necessary to ensure that any heritage assets are properly recorded and dealt with (11).

102. In order to avoid pollution and to prevent increased risk from flooding, it is necessary to secure the recommendations set out in the Flood Risk Assessment Drainage Statement (Complete Design Partnership Ltd Ref:19-7688-FRA_Main dated 3/3/2020) together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended (12).
103. In the interests of protecting and improving biodiversity, condition 13 secures the submission of a biodiversity management plan. In the interests of both biodiversity and visual amenity, conditions 14 and 29 relate to tree retention and protection.
104. Condition 15, securing the provision of solar panels, is necessary to help mitigate the effects of the development and adapt to climate change, in accordance with Framework paragraph 152.
105. As referenced earlier, the evidence of the appellant is that securing a BREEAM rating of 'excellent' for the buildings should be considered as a benefit. To that end, conditions 16 and 25 are necessary to secure that standard of development in order to ensure that the benefit that I have taken into account in the planning balance is realised.
106. Given the significant amount of excavated material from the adjacent quarry across the site, it is necessary to ensure that any site contamination, or the potential for such, is detected and remediated accordingly and that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment (17 and 18).
107. Conditions 19, 20, 21, 27 and 28 are required in the interest of vehicular and pedestrian safety. Conditions 22 and 23 are necessary in the combined interests of highway safety and in order to promote more sustainable travel choices in accordance with national and local planning policy and guidance.
108. Given the scale and nature of the development proposed and its intended 24 hour operation over seven days a week, it is necessary to ensure that noise levels are constrained to those which informed the supporting Noise Impact Assessment, and that any external lighting is controlled, in order to protect the living conditions of local residents and the amenity and ecology of the area generally (24 and 26).
109. The approved development includes an element of B2 General Industrial floorspace. A condition securing an odour management plan is necessary in this regard in order to protect the living conditions of local residents and the amenity of the area generally (30).

Conditions relating to the full planning permission:

110. In addition to the standard time limit on commencement of development (31) it is necessary to identify the plans to which the decision relates as this provides certainty (32).
111. In the interest of visual amenity, conditions relating to external materials, including the covered cattle handling area which is shown on plan but for which there are no elevations, hardsurfacing, boundary treatments, landscaping, tree protection and details of finished ground and floor levels are required (33, 34, 35, 36, 37 and 38).

112. In order to minimise disruption during the construction process for local residents, local businesses and those travelling through the area, and to protect the environment, condition 39 secures a Construction Environment Management Plan, with condition 40 setting out hours during which work can take place on the site.
113. It is necessary to ensure that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment (41 and 42).
114. In the interests of protecting and improving biodiversity, condition 43 secures the submission of a biodiversity management plan.
115. In light of the potential for buried archaeology on the site, a programme of archaeological work is necessary to ensure that any heritage assets are properly recorded and dealt with (44).
116. The existing farmstead is to be relocated closer to existing residential properties. Since it includes livestock rearing, a condition securing an odour management plan is necessary in order to protect the living conditions of local residents (45).
117. Conditions 46, 47 and 48 are required in the interest of highway safety.
118. The new dwellings proposed are justified in this instance, because of their integral relationship to the operation of the farmstead. It is necessary therefore, to ensure that they are not occupied until the replacement farm buildings and workshop are completed and ready for occupation, and that occupation of the dwellings is limited thereafter, in order to ensure that they are kept available to meet the identified agricultural need (49 and 51). The existing farmstead would be displaced by the employment element of the development proposed. To avoid unnecessary proliferation of buildings in the countryside, it is necessary to ensure that once the replacement farmstead is ready for occupation, the original farmstead is demolished (52).
119. In order to avoid pollution and to prevent increased risk from flooding, it is necessary to secure the recommendations set out in the Flood Risk Assessment Drainage Statement (Complete Design Partnership Ltd Ref:19-7688-FRA_FARM dated 23/06/2020) together with details for ongoing management which are essential to ensure that the scheme continues to perform as intended (50).
120. Given the rural location and proximity of residential properties, it is necessary to control external lighting in order to protect the living conditions of local residents and the general amenity of the area (53).
121. The dwellings here are permitted as replacements for those to be demolished, which met an established functional need. It is necessary in this regard, to ensure that the replacements are of a size commensurate with that need given the countryside location. The proposal has been assessed on the basis of the size of the dwellings proposed. It is necessary, therefore, to remove permitted development rights to ensure that the dwellings are no bigger than required to meet that need, and to protect the character and appearance of the countryside within which they would be located (54 and 55).
122. Condition 56 secures retention of trees and hedges in the interest of both visual amenity and biodiversity.

Conclusions

123. For the reasons given above, I conclude that whilst **Appeal A** should not succeed, **Appeal B** should succeed and that planning permission be granted.
124. An objector at planning application stage made reference to Article 8 of the Human Rights Act 1998, drawing attention to the case of *Britton v SoS*,³⁰ where protection of the countryside was held to fall within the ambit of a person's right to respect for their private and family life. I have recognised that there would be harm to the countryside in this instance a consequence of both the developments proposed. I have found that the harm in terms of Appeal A would be significant and that the appeal should fail. As such, there would be no violation in this regard.
125. Whilst I have found that Appeal B should succeed notwithstanding that there would be significant harm to the countryside, that is on the basis that the harm is outweighed by other considerations. I am also mindful that not only would existing public rights of way across and around the appeals site be retained, but improvements to them are also secured through the planning obligation, with additional footpaths and links to be provided through the proposed community woodland, opening up a part of the site where currently there is no public access. Furthermore, around 10,000 new trees would be planted on the site, in exceedance of the National Forest strategy. All in all, I am content that any interference that might be caused as a consequence of the appeal scheme would be insufficient to give rise to a violation of rights under Article 8(2).

Jennifer A Vyse
INSPECTOR

³⁰ *Britton v SoS for the Environment* [1997] JPL 617

ANNEX A APPEARANCES

FOR THE APPELLANT:

Rupert Warren, of Queen's Counsel	Instructed by Morag Thomson (freelance solicitor)*
He called	
David Cummins BEng(Hons), MSc CEng MCIHT, MCILT	Director, ADC Infrastructure Limited
Timothy Jackson	Director, FCPR Environment and Design Ltd
BA(Hons), DipLA, CMLI	
Steven Harley	Associate Director, Oxalis Planning
BSocSc, MPhil, MRTPI	

* Ms Thompson also assisted the Inquiry on behalf of the appellant during the discussion on possible conditions and the planning obligations.

FOR THE LOCAL PLANNING AUTHORITY:

Ian Ponter, of Counsel	Instructed by Mr Rice (solicitor at the Council)
He called	
William Wheeler	Technical Director, The Landscape Partnership
MA(Hons), MPhilD, CMLI	
Andrew Boothby	Associate Director, Aitchison Raffety
MA, MRTPI	

Janna Walker (Leicestershire County Council – Highways) also assisted the Inquiry during the discussion on the planning obligations.

INTERESTED PERSONS:

Councillor Andy Furlong	Ward Councillor
Mary Briggs	Local resident
Janet Russell	Local resident
Latham Russell	Local resident
David Andrew	Local resident
Sallie Andrew	Local resident
Joan Baines	Appeals site owner
Miles Baines	Appeals site owner
Mr Hextall	Local resident
Mr and Mrs Barber	Local residents

DOCUMENTS HANDED UP TO THE INQUIRY

Doc 1	List of appearances for the Council
Doc 2	List of appearances for the Appellant
Doc 3	Appellant's opening submissions
Doc 4	A1 copies of the plans included in the Arboricultural Impact Assessment
Doc 5	Council's opening submissions
Doc 6	Full size colour copies of the Appellant's photomontage series
Doc 7	Plan No 6756-L-20 showing the domestic curtilages to the two proposed farm dwellings
Doc 8	Planning permission No 15/00343/FUL (solar farm)
Doc 9	Email correspondence from Mr Russell (20 October 2021)

- Doc 10 PPG extract (paragraph: 031 Reference ID: 2a-031-20190722 and 032-20190722)
- Doc 11 Proposed quarry restoration masterplans (2007 and 2019)
- Doc 12 Site visit itinerary
- Doc 13 Drg 1 from the Appellant's Ground Investigation Report (November 2019)
- Doc 14 Plan showing PRoW routes and numbers in the vicinity of the appeal site
- Doc 15 Clarifications arising from Highways questions (21 October 2021)
- Doc 16 Email correspondence from Mrs Russell (22 October 2021)
- Doc 17 Email correspondence from Mr Russell (22 October 2021)
- Doc 18 Closing submissions for the Council
- Doc 19 Closing submissions for the appellant
- Doc 20 Engrossed planning obligation Appeal A
- Doc 21 Engrossed planning obligation Appeal B

ANNEX B
SCHEDULE OF CONDITIONS
Appeal B: APP/K2420/W/21/3279939
Land north of Stanton Lane, Stanton under Bardon
(Application No 21/00531/HYB)

Conditions relating to that part of the development the subject of the outline permission (employment development):

Reserved Matters

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development hereby permitted shall be carried out in accordance with the approved details.
- 2) Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters applications submitted pursuant to conditions 1 and 2 above shall accord with the development parameters plan (No 30865-PL-202W) and shall be in general accordance with the illustrative masterplan (No 30865-PL-208C) and the illustrative landscape strategy plan (No 6756-L-18A).
- 5) The first of the reserved matters applications to be submitted pursuant to conditions 1 and 2 above shall include details of the intended phasing for the development and a timetable for implementation of each phase. Development shall be carried out in accordance with the approved phasing plan.

Plans

- 6) Unless required otherwise by any of the following conditions, development shall be carried out in accordance with the details shown on the following approved plans, but only insofar as they relate to access:
 - Site Location Plan Dwg No 30865-PL-201D
 - Primary and Secondary Access Arrangements ADC1984-DR-006 Rev P5

Levels/External plant etc

- 7) Any reserved matters application relating to scale, layout and/or appearance shall be accompanied by full details of finished ground and floor levels (above ordnance datum) of the proposed buildings in relation to the existing ground levels. The details to be submitted shall be provided in the form of site plans showing sections across the site at regular intervals. Development shall be carried out in accordance with the approved details.
- 8) Any reserved matters application relating to layout and/or appearance shall include details of any externally sited sprinklers, tanks, pump

houses, bin storage areas, smoking shelters, electricity sub stations or other plant, equipment or structures. Development shall be carried out in accordance with the approved details.

PRE-COMMENCEMENT CONDITIONS

Construction

- 9) No development shall commence, including works of site clearance and preparation, unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CEMP which shall remain in force for the construction period. The CEMP shall include, but is not confined to:
 - i) site management arrangements, including: on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, staff, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - ii) measures to control and monitor the emission of dust, dirt, noise, odour and smoke, including procedures for complaint investigation;
 - iii) a method statement for the prevention of contamination of soil and groundwater, including the storage of fuel and chemicals;
 - iv) measures to control surface water run-off during demolition and construction, including any temporary attenuation and controls and a scheme to treat and remove suspended solids;
 - v) arrangements for controlling the use of site lighting, whether for safe working or for security purposes, and hours of operation;
 - vi) measures to prevent the deposit of mud and debris on the adjacent highway, including wheel washing facilities and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
 - vii) details of any temporary highway works;
 - viii) a construction waste management plan that identifies the main waste materials expected to be generated by the development during demolition and construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;
 - ix) location of access/exit points for construction traffic;
 - x) the erection and maintenance of signage at all vehicular exits from the construction site advising drivers of preferred approach and exit routes to the site, including no right turns into the site off Stanton Lane and no left turns out of the site onto Stanton Lane.
- 10) Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays.

Archaeology

- 11) No development shall commence, including works of demolition and site clearance/ground preparation unless and until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage is to be completed in accordance with a written scheme of investigation (WSI) which shall previously have been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include an assessment of significance and research objectives, together with:
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
 - a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Flooding and Drainage

- 12) Other than site enabling and clearance works, no development shall take place unless and until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be implemented and thereafter managed in accordance with the approved details and timetable. The details to be submitted shall:
- i) provide information about the design storm period and intensity, and the method employed to delay and control the surface water discharged from the site, designed for the 100-year event plus 40% climate change allowance, with discharge rates to the existing outfall limited to a Qbar rate of 79.2 l/s for storm events up to and including the 1 in 100 year event, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) provide, a management and maintenance plan for the lifetime of the development, which shall include provision for routine maintenance, remedial actions and monitoring of the separate elements of the system, including procedures that must be implemented in the event of pollution incidents within the development site, as well as the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
 - iii) include a timetable for implementation for all elements of the approved scheme.

Biodiversity

- 13) No development shall commence, including works of site clearance and preparation, unless and until a Biodiversity Management Plan for the site, including a timetable for implementation, has been submitted to and

approved in writing by the local planning authority that reflects the mitigation measures set out at Table 10 of the Lockhart Garratt Ecology Summary Report (Ref: 19-2105v4). The Plan shall set out a site-wide strategy for protecting and enhancing biodiversity, containing detailed design of the proposed biodiversity enhancements, including a biodiversity net gain assessment using a standard metric and arrangements for their subsequent management once the development is completed, including all retained and created habitats (including SuDS) and bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Trees

- 14) Prior to commencement of development, including site works of any description, a Tree Protection Plan (based on the draft Plan No 20-5330v1 which forms part of the Lockhart Garratt Arboricultural Impact Assessment dated March 2021 (Ref:19-2138)) shall be submitted to and approved in writing by the local planning authority. The Plan shall be prepared by a suitably qualified arboriculturist and shall include protective barriers to form a secure construction exclusion zone and root protection area around those trees in accordance with British Standard 5837:2012 Trees in relation to design. Any trenches for services that are required within the fenced-off areas shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. Development is to be carried out in accordance with the approved scheme.

Solar Panels

- 15) Prior to commencement of development in any phase, a scheme for the provision and ongoing maintenance of roof-mounted solar panels on any building within that phase and which maximise on-site renewable electricity generation, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme prior to first occupation of the relevant building and the panels shall be retained and maintained thereafter in accordance with the approved details.

EARLY STAGE AND PRE-OCCUPATION CONDITIONS

Sustainable Construction

- 16) Within three months of work starting on site, a BREEAM New Construction 2018 Design Stage certificate and summary score sheet must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating will be achieved for the buildings hereby permitted.

Contamination

- 17) The development hereby permitted shall be carried out in accordance with the recommendations set out in the GIP Ground Investigation Report dated 6 November 2019 (Ref DAP/28384). Any necessary remediation work so approved for any phase shall be completed in accordance with the approved details prior to first use of that part of the site for the intended purpose. If any contamination is found during the course of development on any phase that was not previously identified in the Report, development on the affected part of the site shall be suspended

until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

- 18) Following completion of measures identified in the approved remediation scheme pursuant to condition 17, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Highways/Parking/Travel Plan

- 19) No part of the development hereby permitted shall be occupied unless and until the primary and secondary access arrangements have been completed in accordance with the details shown on Dwg No ADC 1984-DR-006 Rev P5. The details to be submitted shall include arrangements to ensure that the Stanton Lane access is restricted to left turn in only and right turn out only.
- 20) Within one month of any part of the development first being brought into use, all existing vehicular accesses on West Lane and Stanton Lane that become redundant as a result of the development hereby permitted shall have been closed permanently and reinstated in accordance with details that have previously been submitted to and agreed in writing by the local planning authority.
- 21) No part of the development hereby permitted shall be brought into use until such a time as the pedestrian footways to the northeast and southwest of the proposed roundabout junction, linking the site to the existing footway provisions shown on Dwg No. ADC1984-DR-006 Rev P5 have been completed in accordance with details that have previously been submitted to and approved in writing by the local planning authority.
- 22) No building in any phase shall be brought into use unless and until car and cycle parking for that building has been constructed, surfaced and marked out in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The car parking spaces to be provided shall include an agreed proportion of electric vehicle (EV) charging points. The car and cycle parking spaces provided, and the EV charging points, shall be retained thereafter for their intended purpose.
- 23) No unit within any phase of the development hereby permitted shall be occupied until a full Travel Plan in respect of that unit, setting out actions and measures with quantifiable outputs and outcome targets, together with a timescale for implementation and monitoring and review provisions, based on the measures set out in the Framework Travel Plan (ADC Infrastructure dated 18 March 2021 Ref: ADC1984-RP-J) has been submitted to and agreed in writing by the local planning authority. Thereafter, the approved Travel Plan for that unit shall be implemented as approved.

Noise

- 24) No building in any phase shall be brought into use unless and until a noise assessment for any external plant for that building has been submitted to and approved in writing by the local planning authority. The noise assessment shall confirm the need for and extent of any noise mitigation measures necessary to ensure that noise levels do not exceed those referred to in the Vanguardia Noise Impact Assessment dated 13 April 2021 (Ref: VC-103426-EN-RP-0001). Any necessary measures shall be installed prior to the building being brought into use and shall be retained thereafter.

POST-OCCUPANCY CONDITIONS

Sustainability

- 25) Within six months of first occupation of any building, a BREEAM New Construction 2018 Post-Construction Review certificate for that building, and summary score sheet, must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Lighting

- 26) No external lighting, including security lighting, shall be used at the site at any time other than in accordance with a lighting scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall include the following:
- i) a layout plan with beam orientation and a schedule of the proposed equipment, including luminaire type, mounting height, aiming angles and luminaire profiles, lux levels;
 - ii) measures to prevent light spilling on to areas outside the site and measures such as shrouding, to minimise disturbance through glare; and,
 - iii) measures to minimise disturbance to bats from lighting.

Highways

- 27) Once constructed, the visibility splays provided pursuant to condition 19 above shall thereafter be permanently maintained, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 28) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, barriers, bollards, chains or other such obstructions shall be erected on the access roads into the site within a distance of 60 metres of the highway boundary with West Lane and 20 metres of the highway boundary with Stanton Lane.

Retained Trees/Hedgerows

- 29) No trees or hedgerows shown to be protected pursuant to condition 14, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size

and species, a maintenance schedule and a timetable for implementation. The works shall be carried out in accordance with the approved details.

Odour Management

- 30) No part of the development hereby permitted shall be brought into use for any purpose falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order with or without modification) unless:
- i) an assessment of any associated odour impact on nearby dwellings and, if demonstrated to be necessary, a scheme of mitigation, has been submitted to and agreed in writing by the local planning authority; and, if applicable,
 - ii) any scheme of mitigation agreed under i) above has been implemented in full in accordance with the approved details and all measures integrated shall be operational as long as the development is operational.

Conditions relating to that part of the development the subject of the full permission (farm relocation):

Commencement of Development

- 31) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Plans

- 32) Unless required otherwise by any of the following conditions, the development shall be carried out in accordance with the details shown on the following approved plans:
- Site Location Plan Dwg No 30865-PL-201D
 - Farm Relocation Site - Site Layout (General Arrangement) Dwg No E19-29-018 RevA
 - Farm Relocation Site Highway Access Dwg No. E19-29-011
 - Bin Store Location Plan
 - Farm Buildings Cattle Shed 1 Dwg No. E19-29-071
 - Farm Buildings Cattle Shed 1 Floorplan Dwg No. E19-29-071.1
 - Farm Buildings Bullpen and Calving Units Building 2 Elevations and Floorplan Dwg No E19-29-073
 - Farm Buildings Cattle Shed Building 3 Elevations and Floorplan Dwg No E19-29-073
 - Farm Buildings Grain Store Building 4 Elevations and Floorplan Dwg No E19-29-074
 - Farm Buildings Farm Workshop Building 5 Elevations and Floorplan Dwg No. E19-29-075 Rev A
 - Proposed Planning Drawing Replacement House Number One Dwg No.19029/01
 - Proposed Planning Drawing Replacement House Number Two Dwg No.19029/11a

- Farm Building Layout and Sections E19-29-014
- Domestic Curtilage Plan No 6756-L-20

PRE-COMMENCEMENT CONDITIONS

Materials

- 33) Prior to the commencement of development, details, including samples, of the external materials for all buildings and structures, including the covered cattle handling area (shown on Plan No 6756-L-10B) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Landscape Works

- 34) Other than site enabling and clearance works, no development shall take place unless and until details of both hard and soft landscape works in general accordance with the illustrative landscape strategy Plan (No 6756-L-10B) including a timetable for implementation, have been submitted to and approved in writing by the local planning authority.
- 35) The hard landscape works approved pursuant to condition 34, which shall include details of all hardsurfacing and boundary treatments, shall be carried out as approved in accordance with the approved timetable and shall be retained thereafter.
- 36) All planting, seeding or turfing comprised in the approved details of landscaping to be submitted pursuant to condition 34, shall be carried out in accordance with the approved details and timetable. Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species in accordance with details that shall previously have been approved in writing by the local planning authority.

Trees

- 37) Prior to commencement of development on the site, including site works of any description, a Tree Protection Plan (based on the draft Plan No 387/20/03/19-2000v2 which forms part of the Lockhart Garratt Arboricultural Impact Assessment dated March 2021 (Ref:19-2138)) shall be submitted to and approved in writing by the local planning authority. The Plan shall be prepared by a suitably qualified arboriculturist and shall include protective barriers to form a secure construction exclusion zone and root protection area around those trees in accordance with British Standard 5837:2012 Trees in relation to design. Any trenches for services that are required within the fenced-off areas shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. Development is to be carried out in accordance with the approved scheme.

Levels

- 38) Prior to the commencement of development, including any works of site clearance and preparation, full details of finished ground and floor levels (above ordnance datum) of all the proposed buildings in relation to the

existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals. Development shall be carried out in accordance with the approved details.

Construction

- 39) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CEMP which shall remain in force for the construction period. The CEMP shall include, but is not confined to:
- i) site management arrangements including: on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, staff, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
 - ii) measures to control and monitor the emission of dust, dirt, noise, odour and smoke, including procedures for complaint investigation;
 - iii) a method statement for the prevention of contamination of soil and groundwater, including the storage of fuel and chemicals;
 - iv) measures to control surface water run-off during construction, including any temporary attenuation and controls and a scheme to treat and remove suspended solids;
 - i) arrangements for controlling the use of site lighting, whether for safe working or for security purposes, and hours of operation;
 - ii) measures to prevent the deposit of mud and debris on the adjacent highway, including wheel washing facilities; and,
 - iii) a construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling.
- 40) Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays.

Contamination

- 41) No development, including any works of site clearance and preparation, shall be carried out unless and until a scheme for the investigation of any potential land contamination, including details of how any contamination is to be dealt with, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme. Any necessary remediation works shall be completed in accordance with the approved details prior to first use of that part of the site for the intended purpose. If any previously unidentified contamination is found during the course of development, development on the affected part of the site shall be suspended until an addendum to the scheme for the investigation of all potential land

contamination is submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination is to be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

- 42) Following completion of measures identified in the approved remediation scheme pursuant to condition 41, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Biodiversity

- 43) No development shall commence, including works of site clearance and preparation, unless and until a Biodiversity Management Plan for the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority that reflects the mitigation measures set out at Table 10 of the Lockhart Garratt Ecology Summary Report (Ref: 19-2105v4). The Plan shall set out a site-wide strategy for protecting and enhancing biodiversity, containing detailed design of proposed biodiversity enhancements, including a biodiversity net gain assessment using a standard metric, and their subsequent management once the development is completed, including all retained and created habitats (including SuDS) and bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Archaeology

- 44) No development shall commence, including works of demolition and site clearance/ground preparation unless and until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage is to be completed in accordance with a written scheme of investigation (WSI) which shall previously have been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include an assessment of significance and research objectives, together with:
- the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
 - a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Odour Management

- 45) Development shall not commence until an odour management plan for protecting existing dwellings from odour from the proposed development has been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved odour management plan and all measures integrated shall be operational as long as the development is operational.

EARLY STAGE AND PRE-OCCUPATION CONDITIONS

Highways/Parking

- 46) No part of the development hereby permitted shall be brought into use/occupied until the access arrangements shown on Farm Relocation Site – Highway Access Dwg No. E19-29-011 have been completed in accordance with the approved details and until such time as vehicular visibility splays of 2.4 x 120 metres have been provided at the site access in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The splays shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 47) No part of the farmstead hereby permitted shall be brought into use unless and until the parking and turning facilities have been completed and made and available in accordance with Farm Relocation Site Highway Access drawing number E19-29-011. Those areas shall be retained thereafter for their intended purposes.
- 48) Neither of the farm workers' dwellings hereby permitted shall be occupied unless and until two parking spaces for House No One and three parking spaces for House No Two have been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The parking spaces shall be retained thereafter for their intended purpose.

Farm buildings and workshop

- 49) The dwellings hereby permitted shall not be occupied until the farm buildings and workshop shown on the approved plans have been completed and are ready for occupation for their intended purpose.

Drainage and Flooding

- 50) Other than site enabling and clearance works, no development shall take place unless and until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be implemented and thereafter managed in accordance with the approved details and timetable. The details to be submitted shall:
 - i) provide information about the design storm period and intensity and the method employed to delay and control the surface water discharged from the site, designed for the 100-year event plus 40% climate change allowance, with discharge rates to the existing outfall limited to 12.8 l/s up to the 100 year event, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) provide, a management and maintenance plan for the lifetime of the development, which shall include provision for routine maintenance, remedial actions and monitoring of the separate elements of the system, including procedures that must be implemented in the event

of pollution incidents within the development site, as well as the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and,

- iii) include a timetable for implementation for all elements of the approved scheme.

POST-OCCUPANCY CONDITIONS

Agricultural Occupancy

- 51) Occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality in agriculture, as defined in Section 336 (1) of the Town and Country Planning Act 1990 (or any subsequent re-enactment thereof) or a widow or widower of such a person, or surviving civil partner of such a person, and to any resident dependants.

Demolition of Existing Farmstead

- 52) Within six months of first occupation of any part of the development hereby permitted, the existing farmstead, including all associated dwellings and outbuildings, shall be demolished and the land cleared of any associated material.

Lighting

- 53) Other than within residential garden areas as defined on Domestic Curtilages Plan No 6756-L-20, no external lighting (including security lighting) shall be installed at any time other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Removal of Permitted Development Rights

- 54) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration to the dwellings hereby permitted, of the description in these classes, shall be carried out on the site.
- 55) Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure shall be erected on the site.

Retained Trees/Hedgerows

- 56) No trees or hedgerows shown to be protected pursuant to condition 37, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size and species, a maintenance schedule and a timetable for implementation. The works shall be carried out in accordance with the approved details.

-----END OF SCHEDULE-----

5. APPENDIX E – Lichfield’s updated Affordable Housing Statement

Briefing Note

Our ref 15405/04/MS/MT
Date December 2021
App ref 21/00790/AS
Appeal ref APP/E2205/W/21/3284479

Subject Ashford and Tenterden Affordable Housing Needs

1.0 Introduction

1.1 As part of the application submission Lichfields prepared a 'Local Affordable Housing Needs Assessment' ("LAHNA") dated April 2021 (CD 1.4) that considered the local need for affordable housing in Tenterden. Whilst this does not form a reason for refusal, the scale of local affordable housing need and the benefits to provision of affordable homes are material to the planning balance. Therefore, this note provides an update on local affordable housing needs based on the most recent waiting list data.

2.0 Findings of the April 2021 report

2.1 The key findings of the LAHNA are:

- Based on the Council's own estimate of need and expected supply, there is a shortfall of 1,716 affordable homes as of 2018 across the Borough and by 2030 this shortfall could increase to 2,039 units (see LAHNA Figure 2.1). However, the future shortfall figure is likely to be under-estimated because it assumed all sites would deliver fully policy compliant levels of affordable housing.
- Between 2001 and 2011 there was no increase in the number of affordable rented households in Tenterden (despite growth across Ashford) and as of 2011 the proportion of affordable rented households in Tenterden is lower than across Ashford (see LAHNA para 3.1).
- Rental affordability is likely to be worse in Tenterden given that even the cheapest homes for rent (as of July 2019, when the LAHNA was undertaken) listed in the town exceeded the upper quartile rents for Ashford at the time (see LAHNA Figure 3.3).
- A household in Tenterden on a lower quartile income is unlikely to be able to afford any type of housing except a studio and would need to spend 41% of its income on rent just to afford a 1-bed home, rising to 55% for a 2-bed (see LAHNA Figure 3.6). Families on lower incomes are clearly likely to find renting in Tenterden to be unaffordable.
- The LAHNA estimated that there was a current need (i.e. from existing residents in Tenterden) of between c.100 and 400 affordable rented homes plus a future need (2019-30, arising from newly forming households) for between 142-207 affordable rented homes (see LAHNA Table 4.6). With committed supply of c.200 affordable rented homes this suggested a significant shortfall.
- The LAHNA suggested the scale of current affordable rented need exceeded the 54 households on the register at that time (see LAHNA para 3.6) and the need for 59 affordable

rented homes identified in the Tenterden Housing Needs Survey (2020). This is likely to be because many households will adjust their living circumstances to meet housing costs.

- The LAHNA also assessed the potential need for affordable home ownership products (shared ownership, discount market housing etc) which assessed the number of households locally who would be able to afford to rent in the market but would be unable to afford to buy. This suggested there could be demand for 215 affordable homes in Tenterden to 2030 (see LAHNA Table 4.6). Again, this exceeded the estimate from the Tenterden Housing Needs Survey which suggested a need for just 7 shared ownership dwellings.

3.0 Updated evidence on local affordable housing needs

- 3.1 The LAHNA was prepared relatively recently and therefore its findings remain relevant for the purposes of this appeal. However, we have sought to gather more up-to-date evidence on some elements of the assessment below to establish any changes in circumstances of local affordable housing need.

Recent evidence of affordable housing delivery across Ashford

- 3.2 The LAHNA identified a shortfall as of 2020 across Ashford of 1,716 affordable homes. It assumed that, thereafter, delivery would be around 336 per annum which – although almost enough to meet the need identified in the Strategic Housing Market Assessment (SHMA, 368 per annum) – would still be insufficient to clear the backlog accrued up to 2020, leading to an estimated shortfall of 2,039 as at 2030 (LAHNA Figure 2.1).
- 3.3 The Council's most recent annual monitoring data shows that affordable housing delivery in the last year has been just 153 units – or 14% of all completions (1,088) (see CD 2.9b Table A1). This is less than half of the annual need identified in the SHMA, and places the cumulative shortfall as of 2021 at 1,931 units (the shortfall as of 2020 [1,716 units] plus the shortfall from 2020/21 [215 units]). This illustrates the scale to which the anticipated shortfall in the LAHNA – which was estimated to be 2,039 by 2030 – is likely to be an underestimate.
- 3.4 It also highlights the importance of sites coming forward which meet – or exceed, as the appeal scheme proposes to – the affordable housing requirement. Whilst the Local Plan anticipates 20% on town centre sites, 30% in Ashford Hinterland and 40% in the Rest of Borough/windfalls, recent evidence shows this level is simply not being achieved. Developments across Ashford Borough must meet and exceed these thresholds for there to be any realistic prospect of the identified affordable housing need – of 368 affordable rented homes per annum – to be met. In the meantime, the consequence will be a tangible increase in the backlog of affordable housing need across Ashford, including in Tenterden.

Rents in Tenterden

- 3.5 In order to inform its local affordable rented housing need assessment the LAHNA reviewed the cost of available privately rented housing in Tenterden at the time. This found (see LAHNA Figure 3.3) that the cheapest available rents were above the upper quartile equivalents for Ashford Borough quoted in official statistics). This supported the conclusion that rental affordability was likely to be worse in Tenterden than across Ashford Borough as a whole.
- 3.6 To assess whether this is still the case, we have reviewed the most recent rents data for Ashford (using official datasets) and for Tenterden (using Rightmove). The results, including how they compare with the LAHNA, are shown in Table 3.1. This shows that the cheapest available private market rents in Tenterden continue to exceed the recorded upper quartile rents from official

statistics for Ashford Borough. This supports the conclusion that rental affordability in Tenterden continues to be more acute than across Ashford as a whole.

Table 3.1 Comparison of rents in Ashford and Tenterden - LAHNA and current

	LAHNA (data from 2019)			Current		
	Ashford - Median	Ashford – Upper Quartile	Tenterden – cheapest available	Ashford - Median	Ashford – Upper Quartile	Tenterden – cheapest available
1-bed	£650	£670	£750	£683	£750	~
2-bed	£760	£800	£950	£800	£850	£900
3-bed	£950	£1,000	£1,080	£975	£1,065	£1,250
4-bed	£1,350	£1,500	£1,549	£1,300	£1,500	£1,695

Source: VOA/ONS Private Rental Market Statistics, Rightmove

Households on the housing waiting list

- 3.7 For the LAHNA data on the Ashford Borough Council Housing Register was obtained from the Council in July 2019. This showed there were 54 households on the Register who, at the time, lived in the Tenterden and St Michael's postcode area.
- 3.8 More up-to-date data on the Housing Register has been obtained from the Council for the purposes of this appeal (via FoI); this includes historic data and a breakdown of current need by size. This shows there are (as of 2020/21) 59 households on the waiting list who are currently living in Tenterden, up from 45 in 2019/20.
- 3.9 However, there has been a steady increase in the number of households living elsewhere in the Borough (which is to be anticipated, given delivery of affordable housing need since the start of the plan period has fallen, cumulatively, below the need identified in the SHMA) and a clear increasing trend in the number of households living elsewhere wanting to live in Tenterden. This has risen from 266 in 2016/17 to 454 in 2020/21. This is likely to be a result of many factors, but may include:
- Households previously living in Tenterden who have relocated elsewhere in the Borough due to the unavailability of affordable rented housing (or privately rented housing which is affordable to them) but are still on the Housing Register with a preference to move back to Tenterden; and/or
 - Households who otherwise would have moved to Tenterden (e.g. for work or familial ties) not moving to Tenterden, due to being unable to access affordable housing, and instead living elsewhere whilst placing themselves on the Housing Register.

Table 3.2 Ashford Borough Council Housing Register data – 2016/17 to 2020/21

	2016/2017	2017/2018	2018/2019	2019/2020	2020/ 2021
No. living in Tenterden	77	72	59	45	59
No. living in other areas	1,498	1,316	1,263	1,305	1,464
Total on waiting list	1,575	1,388	1,322	1,350	1,523
No. wanting to live in Tenterden	266	301	317	331	454

Source: Ashford Borough Council

- 3.10 The continued rise of households on the Housing Register wanting to live in Tenterden is testament to the scale of shortfall in affordable housing across Ashford as a whole and the scale of need within Tenterden itself. It further highlights the importance of affordable housing delivery specifically within Tenterden in order to meet the demand for affordable housing.
- 3.11 The breakdown of need from households currently living in Tenterden is shown in Table 3.3. The provision of affordable housing (as per the Planning Statement [CD 1.1] Table 6.6, 20no. affordable 1-bed flats, 27no. affordable 2-bed flats/houses, 19no. affordable 3-bed houses and 4no. affordable 4-bed houses) will go a substantial way to meeting needs which currently exist in Tenterden and will also provide an increased choice for households currently living elsewhere who want to live in Tenterden.

Table 3.3 Housing Register Data - Households in Tenterden by bedroom need

	1-bed	2-bed	3-bed	4-bed
No. living in Tenterden	36	15	6	2

Source: Ashford Borough Council

Conclusions and implications

- 3.12 The LAHNA concluded there is a significant backlog of affordable rented housing need in Tenterden of c.100-400 plus a future need for c.142-207 homes. Whilst committed development (expected to deliver c.200 affordable homes) will meet some of this need, there will remain a shortfall. In addition to this, the report identified a need for c.215 affordable homes for purchase in the town.
- 3.13 The most recent and up-to-date information shows that:
- The backlog of affordable housing need at the Borough wide level is worse than anticipated in the LAHNA as of 2020/21, owing to the delivery of only 153 affordable homes across Ashford (roughly half of need), in the most recent year;
 - Rental affordability in Tenterden remains worse than across Ashford as a whole, with rents in Tenterden continuing to be higher than the upper quartile equivalent for the Borough as a whole; and
 - Updated Housing Register data shows a significant increasing trend in the number of households living outside Tenterden who want to live in Tenterden. The number of households in Tenterden on the Register also increased slightly between 2019/20 and 2020/21.
- 3.14 The appeal scheme would go a significant way to meeting these significant, and worsening, affordable housing needs in the District and Tenterden.

6. Appendix F – Norman Lane Appeal Decision



Appeal Decision

Hearing held on 20-21 April 2021

Site visit made on 5-6 May 2021

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2021

Appeal Ref: APP/E2205/W/20/3256388

Land off Norman Road and Romney Marsh Road, Ashford TN24 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Quinn Estates Ltd against the decision of Ashford Borough Council.
 - The application Ref 19/00709/AS, dated 10 May 2019, was refused by notice dated 27 February 2020.
 - The proposal is the development of 234 flatted units, in six blocks, new vehicular and pedestrian access, internal estate road, footpaths and car parking, earthworks, creation of a new section of active floodplain and floodplain compensation for the development, sustainable drainage systems, open space and hard and soft landscaping.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. After the close of the Hearing the National Planning Policy Framework was updated (July 2021). The main parties were given the opportunity to comment on any implications, and their responses have been taken into account.
3. Two unilateral planning obligations, both dated 6 May 2021, were submitted after the close of the Hearing. The drafts had been the subject of discussions at the Hearing. I will return to these below.

Main issues

4. There are three main issues in this case:
 - The effect of the proposal on the Ashford Green Corridor in policy terms.
 - The effect of the proposal on the Ashford Green Corridor in visual terms.
 - The effect of the proposal on the Ashford Green Corridor in wildlife terms.

All in relation to policies SP1 and ENV2 of the Ashford Local Plan (LP) 2030 and the Ashford Green Corridor Action Plan 2017 (AGCAP).

5. After planning permission was refused Natural England raised concerns about the increasing levels of nitrates and phosphates at the Stodmarsh designated sites. This is a matter I deal with below.

The site, the surrounding area, and the proposal

6. The site is a rectangular area, with the long axis running north-south, comprising about 2.67ha of land. It is in the south central part of Ashford. It is bounded by a belt of trees to the east adjacent to Romney Marsh Road (with the Ashford Designer Outlet retail park on the far side of the road), the River Stour on the west (with dwellings beyond), Norman Road to the south and a pedestrian footbridge to the north.
7. It is an area of open grassland with a tarmac foot/cycle path running through it. The path is the only public access to the site, and the remainder of the land is fenced off. The land is generally level although towards the river it rises slightly and forms a bund to the river – along which there are a few trees.
8. The parties agree that the appeal site is within the Ashford urban area and is in a highly sustainable location. It is close to the town centre, the international railway station, and is close to bus services and a range of cycle routes. There is therefore no issue regarding the sustainability of the proposal.
9. The scheme is fully described in the application documents and in the Statement of Common Ground (SOCG). In summary the proposal is for 212 apartments in 6 blocks of varying forms running along the long axis of the site. The existing bund would be repositioned east of its current position to increase the size of the floodplain.

Policy context

10. The development plan includes the Ashford Local Plan 2030 (LP), adopted in 2019. The SOCG lists a range of policies which may be of relevance to the appeal. Of particular importance, as they were included in the reasons for refusal, are LP policy SP1 (Strategic Objectives) and LP policy ENV2 (The Ashford Green Corridor).
11. Policy SP1 sets out a range of strategic objectives. Part of the policy refers to the conservation and enhancement of the Borough's natural environment. This includes designated and undesignated landscapes and the promotion of a connected green infrastructure network that should play a role in managing flood risk, delivery of net gains in biodiversity and improve access to nature.
12. LP policy ENV2 deals with the Ashford Green Corridor (GC) which sets, as a key objective, the protection and enhancement of the GC. The policy does not preclude development in the GC, but sets out a number of criteria, to which I will return below.
13. In addition the AGCAP was adopted in 2017 and was used to inform the preparation of the LP and is referred to in LP policy ENV2. It sets out the benefits of the GC and references the benefits of having a welcome break between various parts of the town. Although not having the status of a Supplementary Planning Document (SPD), the parties agree that it has some weight. Particularly given the fact that the development plan policy states that proposals must take account of the AGCAP I consider it is a material consideration of some weight.

14. The site is located in Wing C1 of the GC. There are references to the site being a key approach to the town centre and the Designer Outlet Centre, and references are made to opportunities to improve the area and mention is made of the scope for new development. The role of the area as an important buffer is stated.
15. Reference has been made to the Landscape Character Study (2005). Although this document is SPD, it is of a certain age and much has happened in the area since it was adopted. I accordingly give it limited weight.

The effect on the GC in policy terms

16. The GC is a network of spaces alongside the Great and East Stour Rivers and the Aylesford Stream, which were apparently originally areas left undeveloped due to flood risk as the town grew. However they have clearly become much more than that in policy and practical terms.
17. There are two initial points to make. Firstly it is clear that, although some of the areas in the GC are fully accessible, others have limited or no access, but which nevertheless have value as undeveloped spaces. In the case of the appeal site the only public access is the footway/cycleway, but there is requirement in policy which only protects fully accessible land. The second matter is that there is no policy prohibition on development in the GC – rather any proposal needs to demonstrate that it will not impair the role and functioning of the GC.
18. I will now turn to consider the proposal in the light of the two key policies referenced above.
19. LP policy SP1 considers the position at a strategic level and plays an important role in identifying the principles which underly the green infrastructure network. Particularly flood risk, biodiversity and access to nature. However it is less use in considering the precise way in which a particular proposal relates to the policy approach.
20. LP policy ENV2 is more detailed and accordingly more helpful in considering this appeal. It provides that development in the GC will be permitted “...provided it is compatible with, or ancillary to, the principal open space use or other existing uses, and it can be demonstrated that the proposal would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor...”. So development must be compatible with or ancillary to the principal open space use and not cause significant harm to the Corridor (my underlining).
21. ‘Compatible’ and ‘ancillary’ are not defined, but I am happy to adopt the dictionary definitions put forward by the appellant - ‘able to and exist or occur together without problems or conflict’ and ‘subordinate, subsidiary’ respectively. The proposed built development would occupy slightly more than one third of the site if the footprint of the development is the only measure – leaving around one third as parkland (in the appellant’s wording) and the remainder the SuDS area.
22. In terms of footprint, the proposed blocks of flats would not be the primary land use. However this is an over-simplistic assessment and does not allow for the scale of the high density development and the way the blocks would run

along one of the long edges of this relatively narrow site – indeed there are pinch points where the flats would intrude significantly into the remaining open area. Considered in three dimensions, which is how people would view the development, I cannot agree that the proposal would be compatible with, and certainly not ancillary to, the principle open space use of the GC. I will return to this matter below in dealing with the visual effect of the proposal.

23. The other element of LP policy ENV2 is that proposals (not on brownfield or allocated sites) should not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. I will return below to the visual effect, but note at this point that I consider that the proposal would harm this aspect of the GC. In relation to biodiversity the proposal would, at least, cause no significant harm. There is no suggested harm to movement networks.
24. Overall the existing site, as acknowledged by the appellant, is an important undeveloped gap. However, as I discuss below, I do not agree with the appellant's conclusion that its contribution is at most low to medium. The proposed high density major residential development would neither be compatible with or ancillary to the main open space use. It therefore conflicts with the LP and the AGCAP.

The effect on the GC in visual terms

25. Two initial points need to be made. Firstly that there is no dispute between the parties related to the detailed design of the proposal based on the relevant design policy. Secondly that, in pure landscape terms, there is no evidence or objection from the Council based on the relevant landscape policy.
26. This second point merits a short further comment. The visual issue discussed below relates to the effect of the proposal on the sense of openness and the buffer function of the site, not issues related to particular landscape features. The appellant has stated that the Council's closing comments introduced a landscape objection not founded in evidence, and to the extent that this is correct, I have not taken account of those comments.
27. The visibility of the site is considerable – as referenced in the Landscape Character Study and the appellant's Landscape and Visual Impact Assessment. From surrounding roads and properties the site and the function which it currently performs is clearly apparent. The site is partly screened from the east by a belt of trees, but I am conscious that the Council has pointed out that these trees are not under the appellant's control and that therefore their retention is not guaranteed. This limits the weight to which I give their screening effect.
28. Of particular note is the visibility of the site to those who pass through it on the footpath/cycleway. When I visited the site the country was still in the grip of the pandemic, and the entire area was very quiet. However there is no dispute between the parties that the route is generally well used in happier times, and I have no reason to doubt this. Those passing through the site have a clear and unobstructed view.
29. Though not possessing any particular features, aside from the river bund, the site in its current form is surprisingly tranquil given the wider urban surroundings. I do not agree with the appellant who considers that, whilst

accepting the role of the site as a visual gap with a sense of openness, that the surrounding urbanised environment diminishes the contribution which the site makes to the area. Rather I consider it plays an important role as a buffer between the housing to the west beyond the river and the road/Designer Outlet to the east. The absence of any structures plays a very important role in defining its character.

30. The appellant accepts that the proposal, by introducing built form into the currently open site would affect the perceived sense of openness. This is self-evident. However, as referenced above, it is not only the footprint of the site and the fact that, particularly at pinch points, the development would substantially narrow the open area. It is also the visual effect of six blocks of flats running along the eastern part of the area and visually dominating the remaining land. In my view this would be a high degree of change with correspondingly high significance.
31. I appreciate the landscape proposals would introduce significant planting into the remaining area, and this is obviously a benefit. However I do not consider that this comes close to compensating for the loss of the openness of the site and its buffer function. I cannot accept the appellant's conclusion that the introduction of a substantial residential development and managed parkland would lead to a heightened degree of tranquillity. Nor do I agree that the effect of the proposal would be highly localised, as the buffer function extends well beyond the site boundary.
32. For all these reasons I consider that the proposal would cause significant harm to the principal open space use of the GC, and conflict with LP policies SP1 and ENV2 and the AGCAP.

The effect on the GC in wildlife terms

33. This issue can be dealt with rather more briefly, largely due to the disparity in the volume and expertise of the ecological evidence submitted by the main parties. The appellant had undertaken a detailed Ecology Appraisal and was represented at the Hearing by an appropriately qualified and experienced professional in the field. In contrast the Council's position was less well supported by evidence or expertise. I have to come to my judgement based on the evidence and, in this respect, the appellant's position was significantly better supported.
34. Helpfully the parties agree that the habitat surveys undertaken in 2018 provide a robust baseline to inform consideration of the proposal.
35. What is clear and largely undisputed is that the GC provides a largely continuous area of green infrastructure through the town, and that it forms a series of wildlife corridors. The appeal site is a connection between wildlife sites AS27 to north and AS19 to south, and this connection is already narrow, with the effective wildlife corridor being limited to the functional habitat along the river. These sites are mainly of significance for riparian species. This emphasises the fact that the habitat of ecological significance is generally related to the River Stour. Away from the river the site is largely species poor grassland, with very limited ecological significance.
36. The proposal includes the extension of the floodplain and the provision of an increased habitat area. This would be a habitat benefit.

37. That said, I am concerned that, although the play area and other facilities would be set back from the river, there could be disturbance arising from the introduction of a substantial residential population onto the site. This especially the case as the width of the wildlife corridor, though enlarged generally, would narrow significantly at a couple of pinch points. However the appellant's largely unchallenged evidence is that the species which might be especially sensitive to disturbance have a limited presence in the corridor.
38. I appreciate that there is a contribution proposed to ecological improvements elsewhere. This would add to the wildlife credentials of the proposal.
39. Overall the proposal would not harm the GC in wildlife terms, and would not conflict with LP policies SP1 and ENV2. But overall, due to my concern with potential disturbance, this matter is neutral in the planning balance.

Other matter – the effect on the Stodmarsh designated sites

40. Given that I am dismissing the appeal on other grounds, the issue of nutrient neutrality need not be considered further. However, for clarity, if the outcome of the appeal were to have been the grant of planning permission, an Appropriate Assessment would have been necessary.

Other matter - the implications of the location in Flood Zone 3

41. This matter was not the subject of a reason for refusal, but I need to touch on it briefly. It should be noted that although the Council's witness was not able to assist in explaining the position, the Council's closing comments appeared to set out a position not based in evidence. I have based my decision on the evidence before me.
42. The site is within Flood Zone 3 (largely 3(a)) which means that there is a higher probability of risk from flooding – necessitating the submission of a Flood Risk Assessment. The sequential test, dealing with whether there are any other suitable/available/appropriate sites with a lower probability of flooding, has been accepted by the Council. I have no reason to disagree. The exception test looks to wider sustainability benefits outweighing flood risk and a demonstration that the development would be safe from flooding. The Council accepts that the development would be safe and would diminish flood risk elsewhere and that it meets the exception test. Again, I have no reason to disagree.
43. However, as noted by the Council, this does not mean that the grant of planning permission is automatic. The authority states that the proposal is unnecessary and unjustified. However the increased area of flood plain and the absence of any objection from the Environment Agency weigh in favour of the proposal in flood risk terms.
44. The proposal would not conflict with policy and would provide some limited benefit in flood storage terms.

Other matter - other developments in the GC

45. The appellant has noted that the Council has previously approved other significant developments in the GC. These are at the Designer Outlet Village and at Tannery Lane. However from the limited information which I have on these developments, it seems that one is an allocated site and the other

appears to be significantly different to the appeal scheme. Aside from confirming that there is no blanket prohibition on development in the GC, which is not in dispute, these decisions do not assist my considerations.

Other matter – housing land supply

46. The position regarding the supply of land for housing changed in the period leading up to the Hearing. But at the Hearing it was confirmed by the Council that, for the purposes of the appeal, there was a 4.8 year supply – a small shortfall beneath the 5 year supply at which point the 'tilted balance' in the Framework would normally come into play. The authority stated that the potential constraining effect on housing delivery brought about by the Stodmarsh issue could not be assessed. On the evidence before me, I agree with that position.
47. However, the Framework provides that the tilted balance would only apply if and when an appropriate assessment had concluded that the proposal would not adversely affect the integrity of the protected sites. Given my conclusions on the harm which would be caused by the proposal, and the position above on an appropriate assessment, I have made the assumption that there could be a positive assessment, and that the tilted balance applies. This obviously is an assumption which benefits the appellant as the losing party in this case.
48. The only additional matter to note is that the development is agreed to be a windfall scheme within the ambit of LP policy HOU3a. This lends support in principle but, as set out above, the proposal fails to meet the policy in relation to layout and compatibility with the character of the area.

Obligations and conditions

49. Planning obligations have been submitted dealing with the provision of offsite wetlands and a wide range of social and environmental contributions. These are most notably related to the GC, highways matters and on/off site open spaces. The provision of an element of affordable housing is included.
50. A number of these matters are intended to meet the needs of future occupiers of the development or to provide mitigation related to some of the issues occasioned by the development. However others go beyond this and provide a benefit for the wider community – I do not disagree with the appellant's position on these matters.
51. One matter is worthy of specific mention. It is agreed that there is no requirement to provide affordable housing as part of a flatted development under LP policy HOU1. Despite this the proposal includes 10% affordable housing in one of the blocks, and this is a factor weighing significantly in favour of the proposal.
52. Overall, leaving aside the elements of pure mitigation, the obligations are directly related to the proposed development and are necessary to make the development acceptable in planning terms. The Obligations meet the policy in the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken them into account.
53. I have considered the conditions put forward and largely agreed between the parties. However these would not overcome the harm I have identified above.

Planning balance and conclusion

54. The scheme offers benefits in highways, social and economic terms. Some of these, most notably the provision of market and affordable housing in an area with demonstrable housing need, are very significant benefits. Others, for example the widening of the flood plain and storage capacity, are more limited benefits.
55. However overall the harm to the policy and visual aspects of the GC provide a clear reason for refusing the development. In coming to this conclusion I have applied the tilted balance but consider that that the conflict with an up to date local plan is such that permission should be refused.
56. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

APPEARANCES

ASHFORD BOROUGH COUNCIL

Jeremy Baker MA(Cantab)	Principal Solicitor
Matthew Durling RTPI	Deputy Team Leader, strategic applications team
Daniel Carter MRTPI	Spatial Planning Manager
Donna Lee (in relation to s106 matters)	Deputy Principal Solicitor

THE APPELLANT

Reuben Taylor QC	Landmark Chambers
Ben Geering BSc(Hons) MA MRTPI	Development Director, Quinn Estates
Peter Keenan BSc(Hons) DipTP MRTPI	Director, Q+A Planning
Dan Maughan BSC(Hons) MA MCIEEM	Associate Director, Aspect Ecology
James Morton BA(Hons) MA CMLI	Principal Landscape Architect, Aspect Landscape
Guy Laister MSc Eng BSc(Civil) CEng CEnv MCIWEM CWEM	Director, Water Environment

INTERESTED PERSON

James Ransley	
---------------	--

HEARING DOCUMENTS

Doc 1	Note from appellant re.Natural England's position
Doc 2	Note from appellant re.pre-commencement conditions
Doc 3	Email from the Council re. Wetland Unilateral Planning Obligation
Doc 4	Final Main Obligation
Doc 5	Final Wetland Obligation
Doc 6	Council's closing comments
Doc 7	Appellant's closing comments

7. Appendix G – Email and Plans sent to KCC

Asher Ross

From: Judith Ashton <judith@judithashton.co.uk>
Sent: 20 December 2021 17:13
To: kate.beswick@kent.gov.uk; Mark Davies
Cc: Carissa Humphreys; Asher Ross; Rio Daniel
Subject: Wates Developments Limited - L/a Appledore Road/ Woodchurch Road Tenterden - appeal submission - 3284479
Attachments: 21037-RFT-00-00-ZZ-DR-A-0122-P01_Site plan (effect of the proposed footp....pdf; 21037-RFT-00-00-ZZ-DR-A-0122-P01_Site plan (effect of the proposed footp....pdf)

Kate we refer to the above and RfR 8 which states:

'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 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 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.'

Having regard to the Inspector's note of the Case Management Call about working together and in the spirit of trying to reduce inquiry time, we have, without prejudice to our position vis a vis the footpath order inquiry or the current S78 appeal, reviewed the Council's Statement of Case regarding RfR 8.

As you will be aware the appeal is for a hybrid development. That part to the east of footpath AB12 is for detailed consent and comprises the country park, sports pitches and pavilion, and associated car park, whilst that to the west of AB12 is the outline part of the development that looks to accommodate 145 dwellings.

I think your representations of 7th May 2020 accept that the route of the DMMO could be accommodated on the area to the east.

The issue appears to be the residential area to the west.

As you will also be aware the illustrative masterplan plan was drawn up before the DMMO was made, and the final details of the residential layout will be a matter for any reserved matters application if the appeal is allowed.

That said, having reviewed the illustrative layout we are confident that we can accommodate footpath AB70 if confirmed and 145 dwellings without any significant impact on the spatial layout of the development. To this end, the architects have produced the attached drawing (21037-RFT-00-00-ZZ-DR-A-002-P01 - Site plan (effect of the proposed footpath AB70)), which shows how a development of 145 dwellings can accommodate the proposed footpath AB70. The second plan (21037-RFT-00-00-ZZ-DR-A-003 -P01 -Site plan (effect of the proposed footpath AB70 and possible diversions/ improvements)), looks at how the alignment of the proposed route could actually be improved to take it away from veteran trees and to skirt the car park serving the proposed sports facilities, if this is an approach that KCC advocate.

In compiling the attached the architects have sought to retain the same quantum of development and the same development parcels as proposed in the appeal submission. They have also sought to ensure that any built development is no nearer the existing neighbours than shown at present, and that if anything the green spaces, including the landscape buffers to neighbouring properties and green corridors are slightly larger than currently proposed. There being no real change to the character and nature of the proposed development, just a moving of units within the development parcels.

Whilst other alternative options may well arise through discussions on any future reserved matters submission, the attached does we believe demonstrate how 145 dwellings could be accommodated

together with proposed footpath AB70, and without any significant impact on the spatial layout of the development as proposed.

Given the above and attached we would suggest your concerns could be addressed by a condition being imposed that along the following lines:

“Notwithstanding the details provided on Plan XXXX, should the Secretary of State confirm Footpath AB70 on the current proposed alignment, revised plans showing how the footpath can be accommodated shall be submitted to and approved in writing by the LPA (in consultation with Kent County Council). The development shall be carried out and maintained in accordance with the approved details”

We consider the above, and plan 002 overcome all the alleged concerns with the application as expressed in RfR8 and would appreciate you confirming this. This would then allow a formal agreement on this matter to be presented to the Inspector as soon as possible.

The second plan 003 goes beyond the scope of this inquiry but is perhaps something we can discuss separately on a without prejudice basis to the DMMO inquiry

We look forward to hearing from you.

Kind Regards
Judith

Judith Ashton Associates
Telephone: 01580 230900
Mobile: 07709 406 528
Email:- judith@judithashton.co.uk

This email is confidential, and may be legally privileged. If you are not the intended recipient, do not copy, use or disclose its content, but contact the sender immediately.

Whilst we run anti-virus software on all Internet emails we are not liable for any loss or damage sustained as a result of software viruses. The recipient is advised to run their own anti-virus software.

Disclaimer

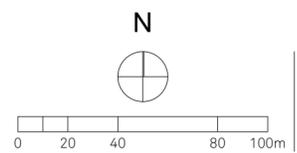
The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).



rev.	date	changes description	status	issued by
P01	17/12/2021	Issue	S2	P01

- Keys:
- 1.5m path
 - 2m path
 - Alternative route around the veteran tree/car park



RE-FORMAT

this drawing is the copyright of Re-Format LLP and may not be copied, altered or reproduced in any way or passed to a third party without written authority. All dimensions subject to site survey and site verification. Do not scale for construction ©

www.re-format.co.uk
mail@re-format.co.uk
 +44 (0)1730 778778

drawn by
CB
date created
Dec 2021
checked by
MS
scale at A2
1:2000

project title
Appledore Road
document title
Site plan (effect of the proposed footpath AB70 and possible diversions/ improvements)

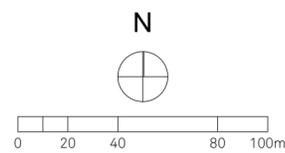
project	originator	volume	level	type	role	number
21037	RFT	00	00	DR	A	0003
status	suitability description					revision
S2	Suitable for Information					P01



rev.	date	changes description
P01	17/12/2021	Issue

status	issued by
S2	P01

Keys:
— 1.5m path
— 2m path



this drawing is the copyright of Re-Format LLP and may not be copied, altered or reproduced in any way or passed to a third party without written authority. All dimensions subject to site survey and site verification. Do not scale for construction ©

www.re-format.co.uk
mail@re-format.co.uk
 +44 (0)1730 778778

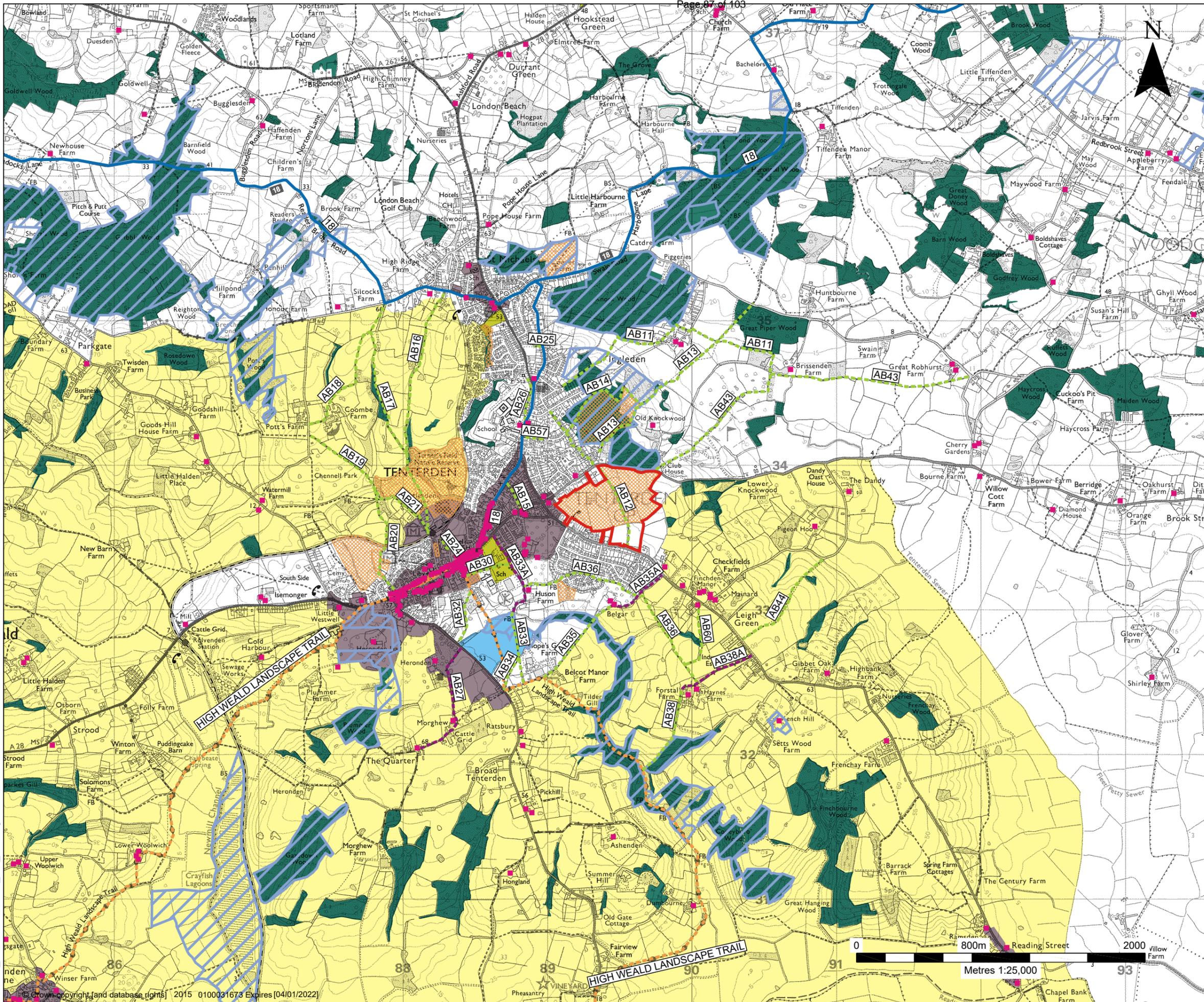
drawn by
CB
 date created
Dec 2021
 checked by
MS
 scale at A2
1:4000,
1:2000

project title
Appledore Road
 document title
Site plan (effect of the proposed footpath AB70)

project	originator	volume	level	type	role	number
21037	RFT	00	00	DR	A	0002
status	suitability description					revision
S2	Suitable for Information					P01

8. Appendix H – Designations Plan

210104_403.06269.00058_T-1_RB.dwg



LEGEND

- SITE BOUNDARY
- PUBLIC BRIDLEWAY (WITH 1KM OF THE SITE)
- PUBLIC FOOTPATH (WITH 1KM OF THE SITE)
- LONG DISTANCE TRAIL
- NATIONAL CYCLE NETWORK
- ANCIENT WOODLAND
- AREA OF OUTSTANDING NATURAL BEAUTY
- CONSERVATION AREA
- LISTED BUILDING

ASHFORD LOCAL PLAN 2020

- OPEN SPACE

REG 14 TENTERDEN NEIGHBOURHOOD PLAN 2021

- SITE OUTLINE
- WILDLIFE SITE
- PROPOSED LOCAL GREEN SPACES



SLR
global environmental solutions

2ND AND 3RD FLOORS,
15 MIDDLE PAVEMENT,
NOTTINGHAM, NG1 7DX
T: 01159 647280
www.slrconsulting.com

TENTERDEN, KENT
LANDSCAPE EVIDENCE
DESIGNATIONS PLAN

T-1

Scale: 1:25,000 @ A3 Date: AUGUST 2021



9. Appendix I – Housing Monitoring 2020/2021



HOUSING MONITORING 2020/2021

Summary Housing Statistics

This section of the Authority Monitoring Report covers the period from 1 April 2020 to 31 March 2021 and contains information on yearly housing completions and performance against housing policies/ indicators.

Key statistics:

- 1088 net housing completions.
- 960 (88%) housing completions on major sites (schemes promoting 10 dwellings or more).
- 281 (26%) housing completions on ‘windfall’ sites.
- 153 (14%) affordable housing completions.
- 577 (53%) of completions on previously developed land.
- 36 (3%) housing completions through permitted development rights.
- 845 net dwellings granted permission.

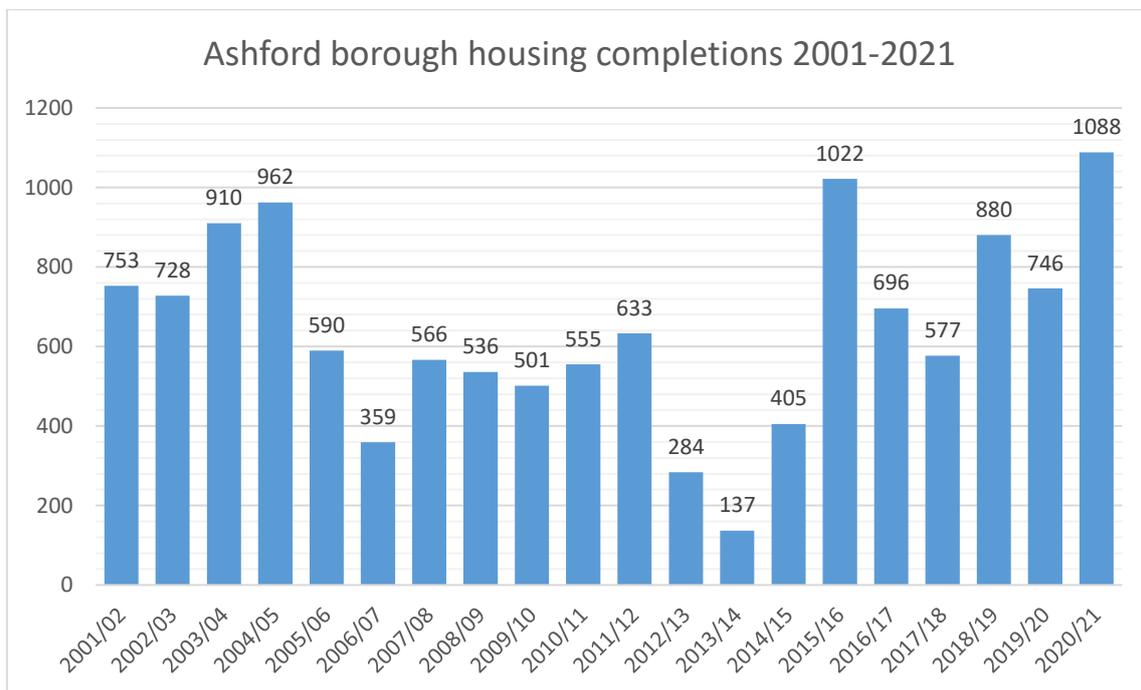


Figure 1: Housing Completions for the Borough for 2001-2021

Contents

Summary Housing Statistics	2
1. Net Housing Growth	4
2. Location of new housing growth	5
3. Allocation vs Windfall delivery	7
4. Affordable Housing	8
5. Custom and Self Build	10
6. Local Need and Specialist Housing	10
7. Land use	11
8. Housing Range and Mix	12
9. Accessibility and Space Standards.....	12
10. Travellers Pitches	13
11. Design Quality.....	14
12. Houses in Multiple Occupation (HMOs)	15

1. Net Housing Growth

During the 2020/2021 monitoring year, the net number of housing completions across the Borough was 1088. This includes 128 net completions from minor developments and 960 net completions from major developments (schemes promoting 10 dwellings or more), which includes the loss of a 22-bed care bedroom, accounting for -12 completions from C2 communal developments¹.

The net housing completions of 1088 is an over-delivery of 200 dwellings from the Local Plan 2030 annual target. This is an increase in completions compared with previous years and the highest level of completions since 2001.

Over the course of the Local Plan, starting 2011, there has a cumulative completion total of 6468 dwellings. 17% of these cumulative completions were from this current monitoring year.

In 2020/2021, 845 dwellings were granted planning permission. This is lower than previous years, at 1244 in 2018/2019 and 2002 in 2019/2020. Over 77% of the dwellings granted planning permission in 2020/21 are from major sites. The number of dwellings granted permission is lower due to the Stodmarsh Lakes nutrient neutrality issue, which affected a significant portion of applications since July 2020, having reduced the number of applications which can be determined. Further information on nutrient neutrality is given in the Environment Chapter of the AMR and on the website at: <https://www.ashford.gov.uk/habitat-regulations-assessment>

The total extant dwellings (those with planning permission either under construction or not started) is 9832. This extant dwelling figure includes dwellings with either full or outline planning permission; 12.6% of extant dwellings are under construction and the remaining 87.4% have not started development.

¹ C2 dwellings are subject to a ratio for the equivalent number of dwellings. This is calculated as $X/1.8$, where X is the number of rooms in C2 use.

Monitoring Indicator – Net Housing Growth**i. Net annual dwelling completions**

Target	888 (1240 including shortfall from start of plan period)
2020/2021	1088

ii. Cumulative net additional dwelling completions over plan period (2011-2030)

Target	16872 by 2030
2011-2021	6468

iii. Total extant permissions;

Target	No target	
2020/2021	Total extant dwellings	9832
	Not started	8597
	Under construction	1235

2. Location of new housing growth

Of the 1088 housing completions, the largest proportion of dwellings were completed in the Ashford urban area (31.7%). This is followed by the completions in the urban extensions counting for 29.3% of the total.

During the 2020/2021 monitoring year, the net number of housing completions in Ashford town centre was 213, with 165 units under construction. Notable Ashford town centre completions include:

Notable Ashford town centre completions in 2020/2021 monitoring year	Number of dwellings
Panorama – West and East Somerset Heights	109
Victoria Way and Riverside Park flats	82

During the 2020/2021 monitoring year, the net number of housing completions in the Ashford urban area was 345, with 133 units under construction. Notable Ashford urban area completions include:

Notable Ashford Urban Area completions in 2020/2021 monitoring year	Number of dwellings
South Kent College, Jemmett Road (Policy S12)	35- Now complete
Former Pledges Mill – Victoria Point	200 - Now complete

During the 2020/2021 monitoring year, the net number of housing completions in the urban extensions was 319, with 541 units under construction. Notable urban extension completions include:

Notable Urban extensions completions in 2020/2021 monitoring year	Number of dwellings
Land south of Park Farm East (Policy S14)	87
Conningbrook Lakes, Kennington	51

During the 2020/2021 monitoring year, the net number of housing completions in Tenterden was 55 units, with 128 units under construction. Notable Tenterden completions include:

Notable Tenterden completions in the 2020/2021 monitoring year	Number of dwellings
Land south and east of Tilden Gill Road	33

During the 2020/2021 monitoring year, the net number of housing completions in rural settlements was 157, with 253 units under construction. Notable rural settlement completions include:

Notable rural settlement completions in 2020/2021 monitoring year	Number of dwellings
Land rear of Rose Cottage Farm, Biddenden (policy S27)	45
Land between Ransley Oast and Greenside, High Halden	23
Courtlands, Bethersden	7

During the 2020/2021 monitoring year, the net number of housing completions in the countryside was -1, with 15 units under construction.

Monitoring Indicator – Location of New Housing Growth**Net annual dwelling completions by area:**

- i. Ashford Town Centre**
- ii. Ashford Urban Area**
- iii. Urban extensions**
- iv. Tenterden**
- v. Rural Settlements**
- vi. Countryside**

Area	2020/2021
Ashford Town Centre	213
Ashford Urban Area	345
Urban Extensions	319
Tenterden	55
Rural Settlements	157
Countryside	-1

3. Allocation vs Windfall delivery

During the monitoring year 2020/2021, 74% of housing completions were on allocated sites. The remaining 26% of completed dwellings were on windfall (non-allocated) sites.

In April 2014, the government introduced additional permitted development rights in England. These rights allow the change of use of certain retail units, office and agricultural buildings to be converted into residential accommodation by a prior approval application made to the council. Under this scheme, 42 dwellings were given prior approval during the 2020/2021 monitoring year, with 36 dwelling completions in the monitoring year.

More detailed information about the development progress of allocated and windfall sites is available on the [Monitoring and Land Supply webpage](#).

Monitoring Indicator – Allocations Vs Windfall Delivery**Net Annual dwelling completions on:**

- i. Allocated Sites**
- ii. Chilmington Green**
- iii. Windfall sites**
 - a. Total**
 - b. Prior Approval – Office to Residential**
 - c. Prior Approval – Agricultural to Residential**

Type of completion	Target	2020/2021
Allocated Sites*	1134	733
Chilmington Green	150	74
Windfall	217	281

* Excluding Chilmington Green completions

Prior Approval	Target	2020/2021
Office to Residential	No target	4
Agricultural to Residential	No target	23
Storage to Residential	No target	1
Light Industry to Residential	No target	8

4. Affordable Housing

The provision of affordable housing is a priority of the council. Policy HOU1 of the Ashford Local Plan 2030 requires a percentage of affordable housing to be delivered in schemes with 10 dwellings or more.

165 affordable houses were completed during this monitoring year. Of these, 19.4% of completions were in the Ashford Town viability area, 57.6% in the Ashford Hinterlands viability area, and the remaining 23% in the Rest of the Borough viability area. The 2020/2021 delivery is higher than the 145 units delivered in 2018/2019 and the 108 units delivered in 2017/2018.

32 affordable houses were granted permission from either full application or reserved matters in 2020/2021. All the outline applications granted in 2020/2021 apart from at Ashford Golf Complex, Bethersden (18/01592/AS) provide the affordable housing required as set out in policy HOU1. At Ashford Golf Complex, commuted sums have been agreed due to viability

issues.

For the affordable housing indicator, the data is collected for the applications granted permission in 2020/2021 rather than the completions, as set out in the description below.

Monitoring Indicator – Affordable Housing

Net annual affordable housing completions on major sites by tenure and area:

- i. Ashford Town
- ii. Ashford Hinterlands
- iii. Rest of Borough

Note: As the Ashford Local Plan was adopted in February, major applications which had completions in the monitoring year are unlikely to be assessed against the recently adopted policy HOU1. Therefore this monitoring indicator measures the percentage of major applications granted permission rather than completions.

Area	Target (% of major application dwellings)	2020/2021
Ashford Town	20%	Applications meeting policy requirement: 18/01508/AS – Recreation ground between Halstow Way and Noakes Meadow – fully affordable housing scheme 19/01476/AS – Newtown Works (no affordable housing provision required for flatted town centre schemes)
Ashford Hinterlands	30%	Applications meeting policy requirement: 19/00834/AS – Orchard Farm, Kennington Applications not meeting policy requirement: 19/01032/AS – Parcel R at Chilmington Green – affordable housing provided in other parcels as per outline permission
Rest of Borough	40%	Applications meeting policy requirement: 19/00997/AS – Policy S26 – The Street, Appledore 18/00644/AS – Policy S31 – St. Mary’s Close, Hamstreet 19/01769/AS – Policy S33 – Hope House, High Halden Set out a successful viability case for commuted sums: 18/01592/AS – Ashford Golf Complex, Bethersden

5. Custom and Self Build

In 2016 the government introduced a requirement for local authorities to hold a register of prospective self and custom builders within their authority area. The register is organised into yearly base periods and authorities have to grant planning permission for sufficient serviced dwelling plots to meet the demand of the base period within three years.

In order to meet these requirements, the council requires self and custom build serviced dwelling plots to be provided within new developments in the borough. Recently adopted plan policy HOU6 (*Self and Custom Built Development*) will ensure that over the plan period (2019-2030) a steady supply of serviced self and custom build dwelling plots are provided.

As the Local Plan was adopted in February of this monitoring year, development proposals approved prior to this date were not obligated to meet policy HOU6. This is reflected in the data for this monitoring year, as there were no serviced plots completed.

Monitoring Indicator – Custom and Self Build

- i. **Percentage of custom and self-build plots provided on sites over 40 dwellings in Ashford and Tenterden**

Target	5%
2020/2021	0%

- ii. **Percentage of custom and self-build plots provided on sites over 20 dwellings in villages and rural areas**

Target	5%
2020/2021	0%

- iii. **Plots returned unsold (annual)**

Target	No target
2020/2021	0

- iv. **Annual borough dwelling completions on custom/ self-build dwellings**

Target	No target
2020/2021	0

- v. **Cumulative borough completions of custom/ self-build dwellings in the plan period**

Target	No target
2020/2021	0

6. Local Need and Specialist Housing

Local needs housing is for people that have a specific local connection with an area and who cannot afford to rent or buy a house in that area. The council recognizes that some residents may need specialist accommodation to enable them to stay in their community and live a higher-quality life.

Where a need for specialist accommodation is identified the council will consider the use of exception sites to bring forward carefully planned and designed schemes to meet these local needs. This is set out in Policy HOU2 of the Local Plan 2030.

40 dwellings were completed under C3 class use for older person/dementia-friendly housing at Land Parcel 13a, Repton Park in Ashford (17/00597/AS).

Monitoring Indicator – Specialist Housing

Net annual additional dwellings by housing type:

- i. Local needs
- ii. Specialist Housing
- iii. Older Person Housing (C2 uses)
- iv. Exclusive Homes

Housing Type	Target	2020/2021
Local needs	No target	0
Specialist Housing	No target	0
Older Person Housing (C3 and C2 uses)	No target	40
Exclusive Homes	No target	0

7. Land use

Policy SP1(a) of the Local Plan aims to focus development in accessible and sustainable locations. This is to use existing infrastructure, facilities, and services wherever possible, to make the best use of suitable brownfield land (previously developed land) opportunities.

During the monitoring year 2020/2021, 573 dwellings were completed on Brownfield Land.

Monitoring Indicator – Land Use

Percentage of net annual dwellings built on Brownfield Land

Target	No target
2020/2021	53%

8. Housing Range and Mix

Ashford Borough requires a range of house types and sizes to meet its housing need. Benefits for delivering a housing range and mix include the creation of sustainable communities, increased choice and more opportunities for home ownership. Policy HOU18 of the Ashford Local Plan 2030 concentrates on maintaining a range of housing types and sizes throughout the Borough. This policy applies to development proposals with 10 or more dwellings.

The following table shows the mix of dwelling sizes granted planning permission during the monitoring year.

Dwellings granted planning permission in 2020/2021 by bedroom numbers

Bedroom numbers	1	2	3	4	5+	Unknown
2020/2021	150	217	131	100	25	206

Monitoring Indicator – Housing Range and Mix

Net annual dwelling completions by bedroom size:

Bedroom size	Target	2020/2021: Town Centre	2020/2021: Urban	2020/2021: Rural
i) Studio & 1 bed	No target	96	138	19
ii) 2 bed	No target	104	205	50
iii) 3 bed	No target	13	138	70
iv) 4 bed	No target	0	102	52
v) 5 bed or more	No target	0	13	3
Unknown	No target	0	68	17

Note: The high number of 'Unknown' dwelling completions are from applications either not including floor plans and bedroom numbers, or on some sites the monitoring was unable to record the specific completed houses and their associated bedroom numbers.

9. Accessibility and Space Standards

Local Planning Authorities are required by national policy to include minimum space standards for rooms within new dwellings to accommodate furniture, storage and circulation space sufficient to accommodate the number of occupants, as set out in Policy HOU12. The NPPF also requires authorities to meet the needs of housing for people with specific accessibility needs, and Policy HOU14 sets out how many homes are required to meet specific building regulations, such as wheelchair accessible housing standards. The Council also introduced a policy for external space standards to ensure new homes have sufficient outdoor private or semi-private space for practical uses, play and recreation (Policy HOU15).

Monitoring Indicator – Accessibility and Space Standards**Percentage of net annual dwelling completions meeting the following standards:**

Space Standard	Target	2020/2021
i) Internal space standards	100%	98.8%
ii) External space standards	100%	94.3%
iii) Accessibility space standards	100% on major developments	87.5%

Note: This indicator displays the percentage of net annual dwelling permissions granted in 2020/2021 rather than completions.

10. Travellers Pitches

The need to plan for the housing requirements of the Gypsy and Traveller population is in line with Government guidance contained in the National Planning Policy Framework (NPPF) and its companion document 'Planning Policy for Traveller Sites'. The Council is currently in the progress of developing a Gypsy and Traveller Accommodation Local Plan to support the Local Plan 2030. An options consultation was carried out in early 2020 following an issues and options consultation in 2018.

Four permanent pitches* were granted permission in 2020/2021. This is a decrease from the 12 pitches granted in 2019/2018, but an increase in the number of pitches granted permission compared to 2018/2019.

*A pitch accommodates 1 household, but typically includes a mobile, tourer, parking and amenity space.

Monitoring Indicator – Travellers Pitches**i. Total annual permanent pitch increase**

Target	As set out in GTAA
2020/2021	4 pitches

ii. Extensions to existing sites

Target	No target
2020/2021	4 pitches + 1 additional mobile

iii. Annual Temporary pitches granted permission

Target	To meet 5 year supply as set out in GTAA
2020/2021	None

iv. Annual loss of pitches

Target	No net loss
2020/2021	None

v. Baseline borough pitches

Target	No target
2020/2021	Unknown at present*

*Data to be published in upcoming draft Gypsy and Traveller Local Plan.

11. Design Quality

Delivering sustainable and high design quality development is a key priority for the council. Development in all areas of the borough should aim for good designs. Policies SP1 and SP6 of the Local Plan highlight the importance of high design quality on development proposals. Key design qualities include character, legibility, distinctiveness and ease of movement.

In 2020/2021, 41 of the 61 refused housing applications were refused on grounds of design quality. These refused applications cited either Policies SP1 or SP6 of the Local Plan for grounds of refusal. Only 58% of refused applications which went to appeal were allowed on grounds of design quality.

Monitoring Indicator – Design Quality**i. Percentage of applications refused on design grounds**

Target	No target
2020/2021	67%

Note: this percentage only refers to the percentage of refused applications which include a net gain or loss of dwellings, which were refused on the grounds of policy SP1 or SP6.

ii. Percentage of appeals allowed on grounds of Design Quality policy

Target	No target
2020/2021	58%

12. Houses in Multiple Occupation (HMOs)

Houses in Multiple Occupation (HMOs) are properties occupied by unrelated households that share one or more facilities such as a bathroom or kitchen.

Under the Town and Country Planning General Permitted Development Order (England) 2015 (as amended), permitted development rights exist for the change of use from dwellinghouses (Use Class C3) to HMOs (Use Class C4). In selected wards, Article 4 Directions apply to remove these permitted development rights. In these wards, applications for the change of use need planning permission from the council. Policy HOU11 of the Local Plan 2030 sets out the criteria for applications of new HMOs.

No applications in the borough were granted for the development of HMOs in the borough during 2020/2021.

Monitoring Indicator – HMOs**Permissions granted for HMO properties by Ward**

Wards with HMO permissions	Number of permissions granted
N/A	N/A