



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

APP/E2205/W/21/3284479

**Summary 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



1. Introduction

- 1.1 My name is Asher Ross. I am a Director of Planning at Wates Developments Ltd and provide town planning evidence at the Appeal submitted by Wates against the refusal of Ashford Borough Council to grant planning permission for up to 145 new homes and associated infrastructure as well as a country park, sports pitches, pavilion and associated infrastructure.
- 1.2 Nine reasons for refusal had originally been promoted by the Council, however, the reason for refusal relating to flood risk has been abandoned as has the allegation of harm to one of the trees on site (T312).
- 1.3 My colleagues address matters relating to the effects of the Appeal Scheme on landscape, ecology, trees and highway safety. In addition, they also address allegation of harm raised by other parties relating to heritage, sustainability of the site and flood risk. Evidence is also provided in relation to the Council's housing land supply position.
- 1.4 Overall, they conclude that that harms that can be supported are at the very low end of the scale (if any harm is to be identified at all). Indeed, their overall view when taken collectively, is that the Appeal Scheme provides significant overall benefits.
- 1.5 I do not find this conclusion surprising given the elements of the Scheme, including an 8.66ha country park, five new sports pitches and a pavilion and housing adjacent to the second most sustainable settlement and only other town in Ashford Borough, particularly when the Council cannot demonstrate a five-year housing land supply and there are significant and on-going constraints to housing delivery elsewhere in the Borough.
- 1.6 This summary proof addresses the following matters:
 - Whether the provision of housing complies with the Development Plan;
 - Whether the provision of the leisure facilities comply with the Development Plan; and
 - The overall planning balance.

2. Housing

- 2.1 The Council's main allegation of harm is that further development in Tenterden would unbalance the overall strategy for delivery of homes in Ashford Borough and thus be contrary to Policy SP2.
- 2.2 I do not agree with this for the following reasons.
- 2.3 Firstly, the delivery of 145 homes at Tenterden would have a very limited effect in terms of the overall housing distribution when considered against the overall housing requirement for Ashford Borough of 16,872. Secondly, the delivery of 145 new homes at Tenterden would have no material effect on the overall strategy of concentrating the majority of development around Ashford. Thirdly, the current strategy adopted in a Plan three years old, is out-of-date and is not delivering. And fourthly, the worsening housing land supply position also renders the current strategy as being out of date.
- 2.4 To my mind, given the above, there is no better site to be found that can assist in meeting the required housing need now. The Site does not suffer from any landscape designations (other than some TPOs) and a very small element is located within the Tenterden Conservation Area and it is agreed that there would be no harm to that designated heritage asset. Indeed, Policy HOU5 positively support the development of such sites to meet the overall housing need.
- 2.5 Furthermore, the Appellant is providing 50% of all the new homes as affordable, above the minimum threshold set out in Policy HOU1. This is a highly significant benefit that weighs heavily in favour of the grant of consent. This has to be set against the context of worsening affordability and increase in affordable housing need in Tenterden notwithstanding the recent delivery in the area.
- 2.6 Overall, I conclude that the Council's approach is misguided, and that full support is afforded to the delivery of new homes in such a sustainable location.
- 2.7 I note that objectors have sought to make a case that Tenterden has had its fair share of development. However, this assertion, made by those who already have their own homes, does not reflect clear Government support for delivery of new homes now in sustainable locations. Those without homes - those waiting for affordable housing - cannot wait for a solution that may emerge sometime in the future. The issue must be addressed here and now. Wates has a fantastic track record of delivering new homes swiftly and these homes will be ready for occupation as soon as possible after the grant of consent. As Inspector Woodward stated in a recent appeal decision¹ "*Providing more housing is one of, if not the most important, aspiration of local and national planning policy*".
- 2.8 In addition, the scheme would deliver fantastic, transformational, leisure facilities, which I address next.

¹ Paragraph 77 of Appeal Decisions APP/Y3940/W/21/3278256; APP/Y3940/Q/21/3278923 and; APP/Y3940/W/21/3282365 dated 5 January 2022

3. Leisure

- 3.1 The leisure facilities encompass the country park, the playing pitches and the additional footpaths. The Council has alleged that a potential footpath (AB70) cannot be accommodated by the development. Whilst the order to make the footpath has not been made and therefore is of limited relevance to this Appeal, the Appellant has shown that the footpath can be accommodated. As such, this matter is neutral in the overall planning balance.
- 3.2 Moving onto the country park, there is no allegation that this would not be a significant new local resource that would provide ecological and arboricultural enhancements and benefits to the wider local community.
- 3.3 As to the sports pitches, these have been a long-term aspiration and would be delivered by granting the consent for the Appeal Scheme. The only allegations of harm from the provision of the pitches relate to effects on a tree (T381) and the future management of the facilities. All of these have been addressed by the Appellant.
- 3.4 Granting consent for this development would be transformational for Tenterden in terms of leisure facilities. From a town that is significantly under-provided for in terms of playing pitches, five brand-new pitches will be delivered as well as a fantastic new pavilion, all of which have been designed to Sport England standards and supported by them.
- 3.5 The narrow concentration of the objectors on the smaller housing element belittles the substantial, once in a lifetime, benefits that would be delivered by granting consent for this scheme.

4. The Planning Balance

- 4.1 The overall planning balance has to be carried out in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) which requires planning decisions to be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 On the Appellant's evidence, there is no breach of development plan policies and therefore permission should be granted without delay subject to appropriate conditions and obligations.
- 4.3 The Appellant accepts that the proposal will lead to the loss of one significant tree (T43) to provide the access and that there would be wider landscape effects. However, mitigation measures proposed would reduce the effects of the development, so that the harms are reduced. In some cases, the overall mitigation and enhancement measures lead to an overall benefit.
- 4.4 I have set out my view of the adverse and beneficial effects and weighted this accordingly:

Matter	Benefit / harm	Weight
Market Housing	Benefit	Significant
Affordable housing	Benefit	More than significant
Open space	Benefit	Significant
Sport pitches	Benefit	Significant
Avoidance of other effects	Benefit	Moderate
Landscape enhancements	Benefit	Limited
Ecological enhancements	Benefit	Moderate
Highway, transport and access enhancements	Benefit	Limited
Drainage enhancements	Benefit	Significant
Economic benefits	Benefit	Significant
Landscape	Harm	Limited
Loss of trees	Benefit / Harm	Neutral

- 4.5 On the Appellant's evidence, the proposal complies with the provisions of the development plan. However, if the Inspector does not agree with this conclusion, then due to the lack of a five-year housing

land supply (accepted by the Council), the so-called 'tilted balance' applies to the determination. This means that the adverse effects must significantly and demonstrably outweigh the benefits.

- 4.6 Given the above conclusions, I am of the firm view that no such adverse effects can be identified.
- 4.7 Whilst I note that objectors consider that significant harm would arise from the grant of consent, this is not supported by any evidence. The approach of the objectors, and in some ways the Council, cannot be supported in light of the identified need for the housing and leisure facilities now.
- 4.8 The only way of meeting development needs and delivering the transformational facilities and homes, is by granting consent for this sustainable development. Whilst the site does constitute greenfield land, the use of such land is specifically endorsed and encouraged by the Local Plan.
- 4.9 However, this is not any general greenfield land, but land adjoining the second most sustainable settlement in Ashford with no landscape constraints and within walking and cycling distance of an extremely wide range of services.
- 4.10 As such, it is my view that you cannot find a better site now to deliver not only the homes for people that need them now, but also the leisure facilities that have a much wider community benefit.
- 4.11 As such, permission should be granted.

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