



**Department of the Environment and
Department of Transport**

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 2074

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C-692-HAS-P

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Argles & Court
Solicitors
12 Mill Street
MAIDSTONE
Kent
ME15 6XU

Your reference
TH/JD/HILLREED/2083.656

Our reference
T/APP/E2205/A/87/79807/P5

Date
28 JUL 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY HILLREED HOMES LTD
APPLICATION NO: AS/87/259

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Ashford Borough Council, to refuse planning permission for the erection of 124 dwellings and garages (with access from Appledore Road) on land between Appledore Road and Woodchurch Road, Tenterden. I held a local inquiry into the appeal on 18 and 19 May 1988 at the Civic Centre, Ashford.
2. From my inspection of the appeal site and the surrounding area, including the town of Tenterden where I stayed over the inquiry period, and bearing in mind the representations made at the inquiry and those made in writing, both at the application and appeal stages, I consider that the main issues concern the presumption in favour of the development, the planning policies and whether the proposed development would harm the character and appearance of the area.
3. The land is not in the green belt and there is a general presumption in favour of its development for housing (Circular 14/85) and I consider that the land availability figures add to this presumption as there is not the Structure Plan requirement for 4,000 units: a 5 year supply is regarded as a minimum figure.
4. The planning policies of the approved Kent Structure Plan pre-date Circular 14/85 and indicate - where there is no Local Plan identification, and this is the case at Tenterden - the need for special local justification for a release of land on the scale proposed outside the built-up area (policies SP2 and RS1A). The emerging Structure Plan (Second Review), repeats the need for justification (policy RS2); though looking (policy RS3), through the preparation of Local Plans, to identify those villages and small rural towns which should be treated as exceptions to policy RS2. But those with exceptional conservation, or tourism importance, having factors to be taken into account (RS3b): and the Local Plan issues report for Tenterden (December 1987) suggests that conservation and tourism will be factors to be borne in mind when preparing the local plan.
5. The strong presumption in favour of housing development on the appeal site and the policy requirements are elements of the case for and against the submitted proposals. However I think the determining factor is the effect on the ground of the proposed new housing.

6. Tenterden is a small town: and though there may be restraint on building generally, this does not amount to a restriction as some 40 or so housing units a year are likely to be built. The apprehension of local people, it seems to me, is to expansion; and that the proposal is seen by many as the 'thin end of the wedge'; with any form of expansion leading to intolerable situations in and around the town.

7. The traffic problem has been expressly mentioned: and in particular along Appledore Road. At peak hours I think some inconvenience may occur; though at Appledore Road there could well be cars going east and west from the proposed development. I do not consider that in any event the situation would become intolerable: there has been no indication from the highway authority as to the capacity of Appledore Road and its inability to cope with expected vehicular traffic from the appeal site.

8. In my assessment the critical factor is the visual effect of new housing on the site. Existing housing along Woodchurch Road and Appledore Road contains the land in question, to the north and south. However to the east there is open land with a public footpath which links Woodchurch Road to Appledore Road and from which there are good views; not just to the east where the open countryside is very attractive, but also to the west, of the setting to Tenterden.

9. From the public footpath there would be 2 fields between the hedge boundary of the proposed new housing, or one field and the pond and open space area within the appeal site. I think that the affect of development would not seriously harm the overall character and appearance of the area: though this might not be the case if development were to extend across the fields I have mentioned. As it is the shape, the slope, the boundary hedges of the appeal site and its containment by existing housing would in my view, mean that the proposed housing rounded off this edge of Tenterden.

10. The tongue-like areas of land coming into the built-up edges of the town is in this instance I feel not of overriding significance: rather it is the triangular shape of the appeal site with the open countryside up to and along the eastern boundary, and development contained in a pocket behind existing housing. Off the southern side of Appledore Road there is development in depth of a rectangular area; whereas in this case it would be, with the new houses, development in depth in a triangular area: the contrasts perhaps adding to the varying patterns of development at Tenterden.

11. The existing pond and amenity space are within the development area; and there is naturally concern by those who live nearby, or know the area well, at the loss of fields which are of interest in themselves and of any changes in the pondlife. There are however fields in pasture use to the east on either side of the public footpath and there is evidence of small ponds.

12. I have also considered the other matters raised in the representations whether made at the inquiry or in writing, however the considerations which have led me to my decision to approve the proposed scheme of housing development, subject to conditions, are not outweighed by these other matters.

13. As to Condition Nos 6, 7, 8 and 9 suggested by the borough council, I consider that within the estate vision splays 60 m x 2.4 m x 60 m to the main spine road should be provided. Kerb radii to be as proposed; also the road layout for the 2 culs-de-sac at the northern end of the site to be as indicated on Drawing No 65/3/A. The spine road is not a through road, and development is mainly along small culs-de-sac.

14. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of 124 dwellings and garages (with access from Appledore Road) on land between Appledore Road and Woodchurch Road, Tenterden in accordance with the terms of the application No AS/87/259 dated 23 February 1987 and the plans submitted therewith and layout Drawing No 65/3/A, following conditions:

1. The development hereby permitted shall be begun not later than 5 years from the date of this letter.
2. The area shown on the submitted plan as car parking or garage spaces shall be provided to the satisfaction of the local planning authority before the development is occupied. No permanent development where permitted by the Town and Country Planning General Development Order 1977 as amended or not, shall be carried out upon the spaces so provided, (other than the erection of garages) or so as to preclude access to those facilities.
3. Adequate underground ducts shall be installed by the developers to the satisfaction of the local planning authority, before any of the buildings hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines; and notwithstanding the provisions of Article 3(1) of the Town and Country Planning General Development Order 1977 as amended, no distribution pole or overhead line within the area shall be erected, save with the express consent of the local planning authority.
4. A landscaping/tree planting scheme for the site (which scheme may comprise entirely new planting, retention of existing planting or a combination of both, as may be agreed) shall be submitted to and approved by the local planning authority before the development is commenced and any new planting shall be carried out within 12 months of the time when the development is substantially complete. Any trees removed, dying, being severely damaged or becoming seriously diseased within 5 years of such completion of the development shall be replaced with trees of similar size and species to those originally required to be planted within a year, unless the local planning authority gives written consent to any variation.
5. Vision splays of 90 m x 4.5 m x 90 m shall be provided at the access to Appledore Road. And vision splays of 60 m x 2.4 m x 60 m shall be provided at all junctions to the main spine road leading from Appledore Road. There shall be no obstruction in excess of 0.9 m in height above carriageway level within these splays: and the splays shall be provided before the first dwelling is occupied in the main spine road or in the cul-de-sac concerned.
6. Full details of the means of foul and surface water drainage to the site shall be submitted and approved by the local planning authority before the development is commenced.

7. No construction on the site to take place prior to the provision of the main spine road from Appledore in accordance with the approved plan.
8. No dwellings shall be occupied until the access road serving them has been completed in accordance with the approved plan.
9. Details and samples of all materials to be used externally shall be submitted and approved by the local planning authority before the development is commenced.

15. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

16. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Gentlemen
Your obedient Servant



C C EYRES FRTPi FLand Inst
Inspector

28/7/88

APPEARANCES

FOR THE APPELLANTS

Mr Tom Hendley

- Solicitor and Consultant with Argles & Court, Solicitors, Mill Street, Maidstone.

He called:

Mr A J Hillier BSc

- Director, Hillreed Homes Ltd.

Mr R M Sellwood BA(Hons) DipTP
MRTPI ARICS

- Partner in the firm of G L Hearn & Partners, surveyors and planning consultants, Borough High Street, London.

FOR THE PLANNING AUTHORITY

Mr A F Trevelyan Thomas

- of counsel, instructed by the Borough Secretary and Solicitor to Ashford Borough Council.

He called:

Mr Anthony Slack MRTPI

- Borough Planning Officer, Ashford Borough Council.

Mr Ian Rutherford BA MRTPI

- Assistant Borough Planning Officer, Ashford Borough Council.

INTERESTED PERSONS

Mr P O'Keefe

- Architect on behalf of local residents.

Mr Adrian Greaves

- local resident on behalf of
i. Tenterden Town Council and
ii. Neighbourhood Watch,
Woodchurch Road/Eastgate.

Mr B A Lushington

- on behalf of Weald of Kent Preservation Society.

Mrs Mary Renwick

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Mr W G Green

- } local residents.

Mr Alan Hollingbery

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DOCUMENTS

- Document 1 - List of persons present at the inquiry.
- Document 2 - Notification of inquiry by planning authority.
- Document 3 - Letters to Department of the Environment including petitions.
- Document 4 - Letters to borough council including petition.
- Document 5 - Appendices (Documents 1 and 2) to Mr Hillier's proof of evidence.
- Document 6 - Appendices (1-3) to Mr Sellwood's proof of evidence.
- Document 7 - Appendices to Mr Slack's and Mr Rutherford's proofs of evidence and extracts from Kent Structure Plan (1984) and Second Review (1987); Rural Ashford Local Plan (1987) and Tenterden Local Plan Issues Report (1987).
- Document 8 - County Surveyor's letter of 8 June 1987.
- Document 9 - Decision letter Henley Fields 18 December 1986.
- Document 10 - Conditions suggested by borough council.

PLANS

- Plan A - Submitted with the application.
- Plan B - Amended layout drawing No 65/3/A.
- Plan C - Site Plan (RS/2).