

Head Office

Romney House · Monument Way · Orbital Park  
Ashford · Kent · TN24 0HB

t **01233 506201**

f 01233 502211

e consultants@hobbsparker.co.uk

w www.hobbsparker.co.uk

---

Tenterden Office:

9 The Fairings · Tenterden · TN30 6QX

t 01580 766766

Our Ref: SD/30554

**The Planning Inspectorate**  
**Room 3J Kite Wing**  
**Temple Quay House**  
**2 The Square**  
**Bristol**  
**BS1 6PN**

23<sup>rd</sup> July 2024

Dear Mr Salter

**Appeal by Hodson Developments Ltd APP/E2205/W/24/3345454**

**Land north of Possingham Farmhouse Ashford Road Great Chart TN26 3BQ**

I write on behalf of Mrs Linda Cleaves, the owner and occupier of Possingham Farmhouse, a Grade II listed building, that immediately adjoins the appeal site. Having submitted objections to the original planning application in May 2022, Mrs Cleaves wishes to submit further representations to the Inspector in respect of matters that directly impact on her and her property. These representations should be read in conjunction with her original letter of objection made to Ashford Borough Council.

Mrs Cleaves approach to this application, as with her previous involvement in the consultation process that led to the adoption of the Chilmington Green Area Action Plan (CGAAP), has not been to oppose the principle of development, the need for new housing is recognised, the basis of her concern is to seek assurances that such housing is delivered in a structured way that follows a plan led approach incorporating established principles to appropriately mitigate how the development is integrated into the surrounding area.

The site boundary for the CGAAP immediately abuts the curtilage of Possingham Farmhouse but proposes no built development within 440m of it. The wide landscaped buffering strip proposed by the CGAAP in this location seek to minimise the impact of development on the surrounding countryside and associated wildlife, the listed building at Possingham Farmhouse and the Ancient Byway a public right of way.

The key principle established by the CGAAP, which my client strongly supported and considers should still be adhered to, is the inclusion of the significant buffering to the edges of the built development to integrate the development within the wider landscape. And for development within the developable areas

to follow a density and height that reflects the context of the built edges of the site. The adopted CGAAP satisfactorily achieves this, providing an extensive landscaping buffer containing the form and impact of the new built development within it. The appeal proposal is outside of this buffer and fails to heed the established development principles, as a result it significantly increases the visual impact of the development on the surrounding countryside and detracts from the setting of the listed building at Possingham Farmhouse. In line with the established development principles, mitigating the visual impact of development in this location can only be achieved through the provision of more substantive landscaped buffers that also enhance the ecological value of the area through the provision of wildlife corridors.

The inevitable result of allowing the development as proposed will be to significantly undermine the planned approach to the development of Chilmington Green which is the result of significant public engagement and consultation. If this land is to be developed the approach to development should be in a planned manner following similar principles to the CGAAP. The application of the tilted balance in support of sustainable development should not be at the expense of approaching the development in a manner that significantly undermines the aspirations for how the wider development contributes to the overall character and appearance of the built edge of Ashford. It should only be carried out in a manner that ties the development properly into the aspirations of the masterplan. The continuation of a plan led approach to development is therefore considered to be the optimum way to achieve this. This is not a site where it should be considered that a quick win can be achieved to improve housing supply, rather further development should follow the established principles for development and be brought forward in line with the wider masterplan for the surrounding area, even if that means amending the masterplan. Failure to follow this approach will result in significant harm to the character and appearance of the surrounding area and unacceptably harm the aims of the masterplan.

Notwithstanding the implications of the proposal to development plan policy or the NPPF requirement to give weight to the delivery of housing, this appeal should fail simply on the basis of what is being proposed seeks simply to maximise housing numbers without due regard to the considerations of how its scale, mass and density of development relate to the principles for sustainable development established by the CGAAP and further reflected in the policies of the development plan as recognised in the reasons for refusal. As a result, if built as proposed, the resulting development will be most detrimental and undermine the significant effort that has been applied through the masterplan to addressing the design and visual impact of the development of Chilmington Green.

The specific concerns that the appeal proposal raises for my client is the proximity of the new built development to her own property and the surrounding countryside. It is also noted that the application proposes that the buffering belt along the shared boundary would be no more than 5m wide. Buffering to the A28 is also limited. The housing nearest to Possingham Farmhouse proposed would be either two and a half and three storey and developed to a density of at least 30-39 dwellings per hectare, this is a higher urban density that fails to reflect the semi-rural location of the site. The CGAAP (para 5.69) identifies the need for the transition of built development into the countryside, for low density development of no more than 10 dwellings per hectare to be delivered along the southern boundaries of the wider site and for this to be 2 and 2.5 storey high with a variety of roof height and forms, so that the scale and built form is integrated sensitively into the landscape. This is a significantly lower density than proposed by the appellant

The scale and form of the built development proposed does not therefore accord with the appropriate steps identified in the CGAAP to transition between built development and countryside and further lacks the landscape buffering that further mitigates this transition. The proposals as outlined in the Heritage

Assessment submitted with the application indicate a reliance on Mrs Cleaves own hedge, tree lined driveway and open paddock to provide separation between the new built development and the listed building. It is acknowledged both by the appellant and the council that this will result in harm to its setting. The appellant is seeking to maximise the housing numbers by failing to provide significant buffering to mitigate the impact of the development, expecting the land outside of their control to fulfil this role and provide what will inevitably be insufficient visual mitigation to the setting of the listed building.

The indigenous boundary hedge along this shared boundary is primarily deciduous and is therefore substantially more open to views through in the winter. This combined with the open grass paddock mean that the presence of the housing and the associated urban character, the height and density of development will create will significantly impact on the setting of the listed farmhouse, which only sits between 75 metres and 90 metres away from the areas proposed for housing. The rural setting of the farmhouse will therefore be significantly undermined resulting in harm to the setting of the listed building.

It is for the Inspector to consider whether the harm caused to the character and setting of the listed building is substantial or less than substantial. It has previously been put forward that the harm is substantial, the council have only recently made the Heritage Impact Assessment submitted with the application available, so it has not been possible to review the appellant's position. However, even if the harm is accepted as less than substantial the public benefit of the additional housing provided on the parcels of land adjacent to the boundary is not considered to outweigh that harm caused. The benefit of the housing can and should only be delivered in a less detrimental manner. This will result in any housing being sited further away from the farmhouse by invoking the approach to site buffering and development densities established by the masterplan and significantly reducing the direct impact on the listed building.

Similar concerns are raised by the landscape impact of the housing on the character and setting of the wider countryside. As identified by the officer's report to committee the impact of residential development of the mass and density proposed will be both significant and detrimental to the rural character of the area. This impact is worsened due to the lack of boundary landscaping, the scheme offering a paucity of boundary buffer planting, significantly below the level, form and density required for the wider Chilmington Green site. Siting outside of this boundary the proposals will significantly undermine the secured approach to mitigating the impact of new built development within Chilmington Green into the surrounding countryside and also in relation to safeguarding the route of the ancient byway along the public right of way AW245 as it approaches what will become the built up edge of Ashford. .

The objection previously submitted by Mrs Cleaves highlighted a number of ecological concerns relating to the impact of the development on the local environment. It is understood that before the Inquiry takes place appellant will attempt to convince the Council's ecological consultants that their belated attempts justify the acceptability of the scheme in the light of the insufficient evidence submitted with the original application. Whilst this matter may be resolved between the council and the appellant's Statement of Common Ground, there is one aspect of the ecology that it is important to highlight, specifically the presence of badgers in the corner of the appeal site adjoining Possingham Farmhouse. The ecological information provided identifies a large well established badger sett on the boundary between Possingham Farmhouse and the application site, this would make the sett within 5 metres of the new housing. There are significant concerns that housing will unacceptably impact on the badgers and that appropriate mitigation is required to reduce the impact on the badgers.

The addendum to the Ecological Impact Assessment Report dated November 2023 indicates that the assessment of the badgers were recorded incidentally rather than systematically, (para 7.1.1) such an

approach will mean much evidence may have been missed and the methodological approach should be regarded as poor and the conclusions drawn unreliable. The subsequent conclusion that the impact on badgers is at most a minor adverse effect cannot be reasonably accepted. The assessment completely ignores the loss to the badgers of the arable land currently available to them for foraging purposes. The positioning of the main sett has likely been governed by access to the whole surroundings, the development is therefore likely to drive the animals towards the main road and no mention has been made of this or of any measures to slow vehicles on the proposed roads. In terms of the sett no details have been provided of how planting will be provided to protect the sett. The appellant's ecological mitigation plan and parameter plans indicate no scope for this within the appeal site. The only reasonable conclusion that can be drawn is that the development proposals have been brought forward without appropriate consideration of the badgers on the site and that as a result development is too close to the badger sett and greater separation must be provided including the ability for further buffering within the application site and for a greater range of mitigation measures to be provided particularly in respect of both animal welfare and highway safety.

The Dormouse is a protected European species and their presence warrants significant investigation and assessment. Yet the survey effort that has been made is below what is required by the guidance (Bright P., Morris P. and Mitchell - Jones T. 2006. Dormouse conservation handbook. English Nature.) Given the likely impact from cats from the new development on dormouse, it can be argued that therefore any conclusions about impact on the species that have been made in the reports from the ecological consultants are not valid nor conclusive.

Finally, it is understood that the proposed residential development is reliant on connection to the proposed WwTW to serve Chilmington Green recently refused planning permission to achieve nutrient neutrality and offset any detrimental impact on the Stodmarsh Protected Sites. The Inspector will be aware that this matter is being heard by a separate written representations appeal. Should this appeal be allowed, it is expected that the Inspector will still consider the following points and not just accept that the provision of this WwTW will automatically address the impact of the residential development proposed. It is therefore requested that the Inspector considers two specific points in relation to this matter;

- i. Whether there is capacity within the proposed WwTW to accommodate the additional residential development proposed by this appeal on top of the residential and associated schools and local services within Chilmington Green that the new WwTW seeks to unlock. It would be perverse to allow the new WwTW to unlock additional development at the expense of the delivery of existing local plan commitments being brought forward in accordance with the CGAAP.
- ii. The implications of the WwTW unlocking a significant number of existing residential commitments within Chilmington Green and the impact this may have on the council's overall housing land supply and housing delivery figures and the reduction in the overall public benefit of the new housing.

There are therefore serious questions as to whether the site would be able to provide housing that would contribute to the overall shortfall in housing across the borough in a timely manner. Notwithstanding the significant harm the development would cause to the matters identified above, the proposal is reliant on achieving nutrient neutrality via the provision of the new WwTW, a proposal which will unlock the greater extent of wider development across the Chilmington Green site. It is not made clear by the appellant how this site would be brought forward quickly ahead of the development already committed for Chilmington Green that would also be released by the WwTW. In addition, when the infrastructure required to support the development of Chilmington Green is required is clearly set out in the CGAAP,

the delivery of the houses proposed by the appellant would need to suitably address these requirements. Against this it must be noted that paragraph 72 of the NPPF (Dec 2023) identifies the need for compelling evidence that windfall sites as part of any anticipated supply will provide a reliable source of supply.

I trust that these points will be put before the Inspector and will be examined in more detail throughout the Inquiry, Mrs Cleaves asks that the opportunity is afforded for a statement outlining her concerns to be made on her behalf during the Inquiry. The Inspector is invited (accompanied by representatives of the appellant and the council) to visit Possingham Farmhouse during the course of the appeal site visit so that the relationship of the listed building and the proposed development can be best understood.

Yours sincerely



**Steve Davies BA (Hons) Dip UP MRTPI**

For and on behalf of  
Hobbs Parker Property Consultants LLP

