

Ashford Borough Council - Report of the Assistant Director of Planning & Development - Planning Committee 23rd July 2025

Application Number	PA/2024/1442
Location	Land Adjacent to the Bull Inn, Bethersden
Grid Reference	Easting (x) 592315; Northing (y) 139851
Parish Council	Bethersden
Ward	Weald Central Ward
Application Description	Outline planning permission (with all matters reserved except means of access) for the erection of up to 32 dwellings including access from Bull Lane, parking, landscaping, open space and associated infrastructure and earthworks.
Applicant	Esquire Developments Ltd
Site Area	3.98 ha

Introduction and Purpose of Report

1. At the Planning Committee meeting on 19th February 2025, Members resolved to refuse planning permission for this application, contrary to the officer recommendation. The Committee's decision cited five reasons for refusal, covering heritage impact, landscape and visual harm, absence of a legal agreement, residential amenity, and highway/pedestrian safety concerns. The decision notice was issued setting out those reasons for refusal in detail.
2. For ease for reference, the reasons for refusal are listed below:
 1. *The proposed development within the setting of The Bull Inn, a Grade II Listed Building, would lead to less than substantial harm to its significance by eroding its long-standing rural context and introducing into its rural setting a suburban form of development that is uncharacteristic of the area. The public benefits arising from the proposal, including housing provision, would not outweigh the identified heritage harm. The proposal is therefore contrary to policies HOU5 and ENV13 of the Ashford Local Plan 2030 and paragraphs 212 and 213 of the National Planning Policy Framework (2024).*
 2. *By virtue of its elevated location, topography, siting, density, and scale, the proposed development would result in significant and demonstrable harm to the landscape character and visual amenity of the Bethersden Mixed Farmlands Landscape Character Area (LCA). The proposal would lead to the urbanisation of the site and erosion of the rural character of Bull Lane and this entrance to the village. Furthermore, the introduction of new pedestrian infrastructure, including footpaths and a crossing along Bull*

Lane, further contributes to this urbanisation, introducing suburban features that would be incongruous with the rural setting and character of Bull Lane. As such, the proposal would fail to preserve or enhance the distinctive rural character of the Bethersden Mixed Farmlands LCA and is contrary to Policies HOU5 and ENV3a of the Ashford Local Plan 2030, the Landscape Character Area SPD, and paragraphs 135 and 187 of the National Planning Policy Framework (2024).

3. *In the absence of a legal agreement to secure the necessary infrastructure contributions, affordable housing, self-build housing, accessible/adaptable housing, and a Habitat Management Plan and monitoring, the proposed development would fail to mitigate its impact on local services and secure its identified significant onsite habitat enhancements. The proposal is therefore contrary to Policies HOU1, HOU6, HOU14, ENV1, COM1, COM2, IMP1, and IMP4 of the Ashford Local Plan 2030 and paragraphs 64, 65 and 187 of the National Planning Policy Framework (2024).*
 4. *The proposed development would generate vehicular movements entering and exiting the site in close proximity to the neighbouring dwelling Fairview, which is directly opposite the site access on Bull Lane. The narrow width of Bull Lane and the position of the access would result in unacceptable harm to the residential amenity of the occupiers of Fairview through additional noise, disturbance, and glare from vehicle headlights, particularly during the hours of dusk and darkness. The proposal would therefore be contrary to Policy HOU5 of the Ashford Local Plan 2030 and paragraph 135(f) of the National Planning Policy Framework (2024).*
 5. *The proposed development would result in an increase in vehicle turning movements at the site access on Bull Lane and at the A28/Bull Lane junction. Given the narrow width of Bull Lane and the speed of vehicles on both roads, the additional traffic is likely to exacerbate existing safety concerns, particularly for pedestrians crossing Bull Lane to access the narrow footway. The proposal fails to provide a safe, convenient, and well-integrated solution for pedestrian movement and is therefore contrary to Policy TRA7 of the Ashford Local Plan 2030 and paragraphs 115 and 116 of the National Planning Policy Framework (2024).*
3. For the full background to the application, the site, consultation responses, relevant policies and other material considerations, and officers' assessment of the application in the light of them, Members should read the Committee Report and Update Report from the meeting of 19th February 2025 attached at Appendices 1 & 2 respectively. The Decision Notice is attached at Appendix 3, and the relevant Committee Minutes at Appendix 4.

4. The applicant has now lodged an appeal against the Council's refusal of planning permission and has requested that the Planning Inspectorate hear its appeal by way of a Public Local Inquiry for 5-6 days.
5. Since the applicant gave the Council the required pre-warning of its intention to appeal, I have carried out a detailed review of the five reasons for refusal. This report sets out further material information gathered and officers' further analysis in relation to the three reasons for refusal that may not be capable of being robustly defended at appeal (heritage impact, residential amenity, and highway safety). Further to this, confidential legal and financial advice is provided in the Exempt Appendix 5.
6. Members are reminded that as a local planning authority, the Council must ensure its reasons for refusal of planning applications (which are tested as part of any appeal) are supported by material planning considerations and appropriate evidence and objective analysis.

REVIEW OF THREE REASONS FOR REFUSAL

Reason 1: Heritage Impact (The Bull Inn)

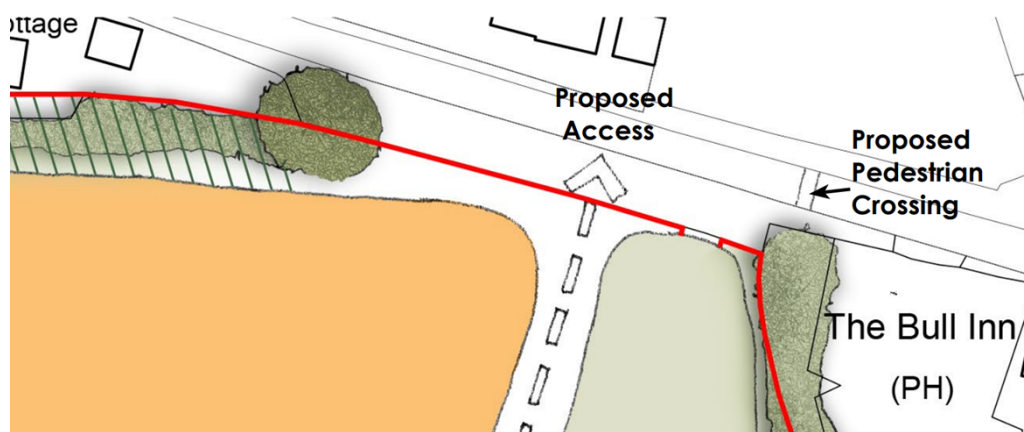
7. Reason 1 asserts that the proposed development would cause harm, of a less than substantial nature to the setting of the Bull Inn, a Grade II listed building, by introducing a suburban form of development that erodes its rural context. While the Planning Committee report acknowledges that there would be some degree of harm to the setting of this heritage asset, it also provided a detailed and proportionate heritage assessment. The report explicitly concluded that the level of harm would fall within the category of "less than substantial" as it is defined by paragraph 212 of the NPPF (2024), and that this level of harm should be weighed against the public benefits of the scheme in accordance with paragraph 213 of the NPPF.
8. Importantly, paragraph 213 of the NPPF (2024) makes clear that any harm to a heritage asset, even if categorised as 'less than substantial,' must still be given great weight in the decision-making process. However, that paragraph of the NPPF does not amount to a direction to refuse planning permission where there are clear public benefits. The presumption in favour of sustainable development under paragraph 11 of the NPPF remains engaged.
9. In conducting this balancing exercise required by paragraph 213, the report identified a range of significant public benefits. These include the delivery of 32 homes, with 40% of the units secured as affordable housing; provision of accessible housing and custom/self-build plots; contributions to local services and infrastructure via a comprehensive package that would be secured by s.106 legal agreement; and notable ecological enhancements, with a Biodiversity Net Gain of over 23% (thereby, exceeding the statutory minimum). The report identified that the development would also deliver highway improvements and upgraded pedestrian infrastructure, which would address existing shortfalls in the area. These public benefits were identified as substantial and ones that would directly respond to the objectives of both

national and local planning policy. A detailed assessment in this regard has been undertaken in the original Committee Report at paragraphs 34-41 (attached at Appendix 1).

10. The conclusion reached and set out in the Committee Report was clear: while it is accepted that there would be a degree of harm, it was not considered significant enough to warrant a refusal of planning permission when considered in the context of the identified substantial planning benefits and the required balance. Following further review of the level of harm and the public benefits, this remains the clear view of Officers.

Reason 4: Residential Amenity (for the property known as “Fairview”)

11. This reason concerns the potential impact of vehicle movements and, in particular, headlights from the proposed site access on the residential amenity of the occupiers of Fairview, a dwelling located opposite the application site. Members raised concerns that the vehicular activity involved with the residential scheme particularly during early morning and evening hours, would result in an unacceptable level of noise, disturbance, and glare from headlights shining directly into Fairview.
12. The submitted Transport Statement and the Committee Report indicate that the development is expected to generate only modest levels of vehicular activity, estimated at approximately 19–20 vehicle movements during peak periods. This level of activity is not unusual for a residential development of this scale and would not lead to a significant level of traffic.
13. Moreover, I have carried out further spatial analysis and measurement and this shows that in fact, the proposed access, on the opposite side of the existing public highway, would not be positioned directly opposite Fairview, as demonstrated in Figure 1 below. In addition, the location of the access, combined with opportunities for intervening planting and low-level landscaping which can be secured by condition on any outline planning permission granted, would, in my opinion, soften and further mitigate the impact of headlights and traffic noise.



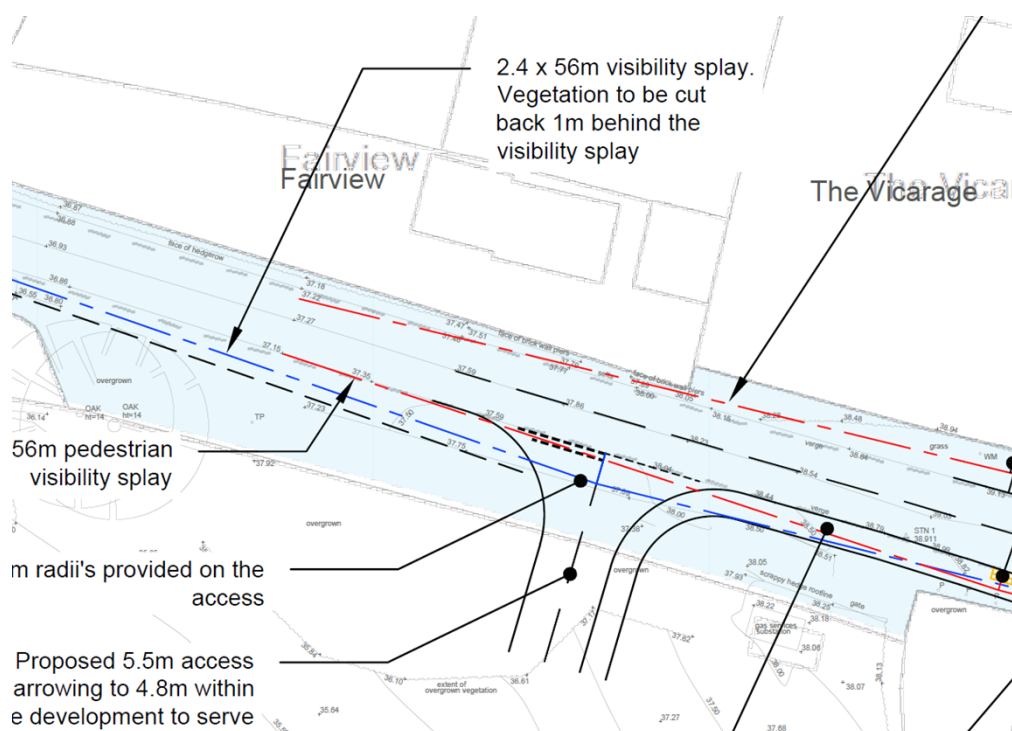


Figure 1 & 2 : Relationship between the proposed access & opposite neighbour 'Fairview'

14. The Council's Environmental Protection team raised no objection to the proposal on the grounds of noise, nuisance or glare, and no technical evidence has been submitted to demonstrate that the level of vehicular movements would result in unacceptable harm to the amenity of the occupiers of Fairview.

Reason 5: Highway and Pedestrian Safety

15. Reason 5 relates to perceived highway and pedestrian safety concerns, particularly at the Bull Lane / A28 junction and along Bull Lane.
16. KCC Highways, as the local highway authority, raised no objection to the proposal. They were satisfied with the design and delivery of the proposed improvements which the applicant is willing to carry out, including new and widened footways, tactile paving, and a new informal pedestrian crossing.
17. KCC Highways have since reconfirmed to me that the scheme is acceptable and that this reason for refusal cannot be supported by technical highway evidence. No recorded personal injury collisions exist for the relevant section of highway.
18. Technical matters such as visibility splays, pedestrian intervisibility, and the feasibility of street lighting or alternative crossing features have also been reviewed. KCC Highways remain of the view that the proposed works are appropriate and proportionate.

3. CONCLUSION

19. This report provides further analysis and updates in respect of three reasons for refusal previously advanced by the Planning Committee. Members are advised to read this report alongside the original Committee Report (Appendix 1). I have re-reviewed the relevant issues and revisited the planning judgments set out in the original report in light of further consultee advice and material considerations.
20. Having done so, I consider that Reasons 1 (heritage impact), 4 (residential amenity), and 5 (highway/pedestrian safety) are unlikely to be robustly defended at appeal, given the absence of technical support and the weight of public benefits, and should be withdrawn.
21. Reasons 2 (landscape and visual impact) and 3 (absence of legal agreement) remain capable of being defended at appeal, and should not be withdrawn. If Members accept my recommendation, the Appeal will still proceed and these two retained reasons for refusal will be examined.
22. Members are requested to refer to the Exempt Appendix for legal and financial advice in connection with this.

Recommendations:

- 1 To authorise the Assistant Director Planning & Development and the Strategic Development & Delivery Manager to indicate to the Planning Inspectorate and the Appellant that the Council will not be defending the Appeal on the grounds set out in its Reasons for Refusal numbered 1, 4 and 5; and
- 2 To confirm authority to the Assistant Director Planning & Development and the Strategic Development & Delivery Manager to pursue Reasons for Refusal numbered 2 and 3 in the forthcoming Appeal and in any negotiations relating thereto.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2024/1442)

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