

## PLANNING STATEMENT

Proposal for the erection of four dwellings, together with access, parking and landscaping.

 **Land rear of Barnstormers, Stone Street, Stanford, TN25 6DF**

**Prepared by Hume Planning Consultancy Ltd.**

On Behalf of: Concept Estates Ltd.

Our Reference: HPC\_1212

Date: November 2023

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# 1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of Concept Estates Ltd in support of a detailed planning application for the erection of four dwellings, together with access, parking and landscaping at land rear of Barnstormers, Stone Street, Stanford.
- 1.2 This is a revised application following the non-determination by the Local Planning Authority (LPA) for the same proposal under application reference 21/1142/FH and a subsequent appeal where an Inspector dismissed the scheme for a single focused reason on the basis that the likely adverse effect on the Stodmarsh designated sites outweighed the benefits accruing from the development (see Appeal Decision at Appendix 1). There are no material changes to the proposal which was found to be acceptable under the recent appeal decision, with the exception of the Stodmarsh matter – for which, (like other development sites across the borough) a strategic solution will be identified for the application in due course). The applicant is seeking a resolution to grant approval for this scheme, consistent with the appeal findings, with the decision being issued when an acceptable strategic solution is agreed.
- 1.3 This Statement provides a focused response to the main issues considered within the recently determined appeal decision. A summary of the other key issues is presented within this document by way of background. As will be demonstrated within this Statement and consistent with the Inspector's conclusions it is asserted that the location and design of the development proposal responds to the character and appearance of Stanford, would preserve the setting of the grade II\* Stanford Windmill and would not give rise to highway safety concerns. Whilst the Inspector noted that there would be limited conflict with the Council's spatial strategy, there are a number of relevant material considerations and benefits of the development proposal which were considered to outweigh this limited harm. For these reasons, it is concluded that the proposal is acceptable in planning terms and should be supported by the LPA, subject to appropriate mitigation being secured for the Stodmarsh designated sites.
- 1.4 The following plans and documents are submitted in support of this application:
  - Application and CIL Forms
  - Drawing Package, prepared by OSG Architecture
  - Heritage Statement, prepared by Janice Gooch Heritage Consultancy
  - Arboricultural Impact Assessment, prepared by Lloyd Bore Consultancy
  - Site Layout Review (20-064-003), prepared by C&A Consultancy
  - Extended Phase 1 Ecological Habitat Survey Report, prepared by Hone Ecology
  - Appropriate Assessment Statement

## 2. Planning Context

- 2.1 The application site comprises an area of 0.4 hectares and is currently in use as garden land associated with the residential curtilages of Barnstormers and Barn Bungalow. The main body of the site is level and comprises well-maintained garden land laid to grass featuring mature trees and shrubland along its perimeter.



Figure 1: Aerial image of the application site

- 2.2 The settlement boundary of the village of Stanford is defined by the adopted Places and Policies Local Plan and adjoins the northern and eastern boundaries of the site. The site is bounded on two sides by the residential gardens of dwellings which fall within the settlement boundary, the other two sides are bounded by hedges and trees which help to screen it from arable land to the west and paddock land to the south.
- 2.3 For these reasons, the site is visually contained and physically well related to existing development and it is therefore asserted that the proposal represents a consolidation of the existing pattern of development within the village rather than an isolated incursion of development projecting into the open countryside beyond. This assessment is consistent with the appeal Inspector's findings

that “in land and visual terms it therefore forms more a part of the village than it does surrounding countryside”.

- 2.4 The western portion of the site falls within an area of archaeological potential (please refer to desktop archaeological assessment contained at Appendix 2 which was previously submitted). The site is not located within a conservation area but to the north-west of the site is Stanford Windmill, a Grade II\* listed tower mill. The site is not located in an area of known flood risk.
- 2.5 In terms of the wider connections of the site and nearby services, there is a bus stop to the north of Stanford village, called Stone Street Junction, which is less than 650m from the application site (8 minute walk). Stone Street Junction has three services; 10A (to Folkestone), 16A (to Hythe) and 18A (to Canterbury and Ashford). Using these daily services, it is a 7 minute bus journey to Sellindge (and Sellindge Primary School), identified as a ‘Rural Centre’ under Policy SS3, and a 6 minute bus journey to Lympe (and Lympe C of E Primary School), also identified as a ‘Primary Village’ under the hierarchy. Westenhanger rail station provides services to London taking 1 hour and 2 minutes. The M20 motorway is located 400m south of the application site.
- 2.6 The site is also within close proximity to the new Otterpool Park Garden Settlement, which is recognised as a sustainable location which will deliver a mix of uses and services and forms the main focus of strategic development for the district in the adopted Core Strategy and for which planning permission has been granted. The identification of this nearby growth hub, as well as a proposed local centre for Otterpool being located directly to the south of Stanford, reinforces the sustainable credentials of the application site.

### **Relevant Planning History**

- 2.7 A full planning application for the erection of four dwellings at the application site was validated on 12<sup>th</sup> July 2021 under reference 21/1142/FH and an appeal against non-determination was lodged in February 2022 following the LPA’s failure to determine this application. The appeal decision was received on 31<sup>st</sup> August 2023 (Appendix 1) and considered the main issues to be the effect of the development on:
- The spatial strategy for the location of new development and effect on the countryside
  - The Stodmarsh designated nature conservation sites
  - The setting of the grade II\* listed Stanford Windmill
  - Highway safety
- 2.8 Following the receipt of the appeal decision, the Council issued a Non-Determination Decision Notice for application 21/1142/FH (dated 1<sup>st</sup> September 2023) which cites four reasons that the application would have been refused under, which accords with the above main matters identified by the Inspector.
- 2.9 The above matters are addressed at Section 5 of this Statement, alongside an overview of the Inspectors assessment on each issue. Although the appeal was ultimately dismissed, this has served to clarify the planning position and confirmed the areas which were found to be

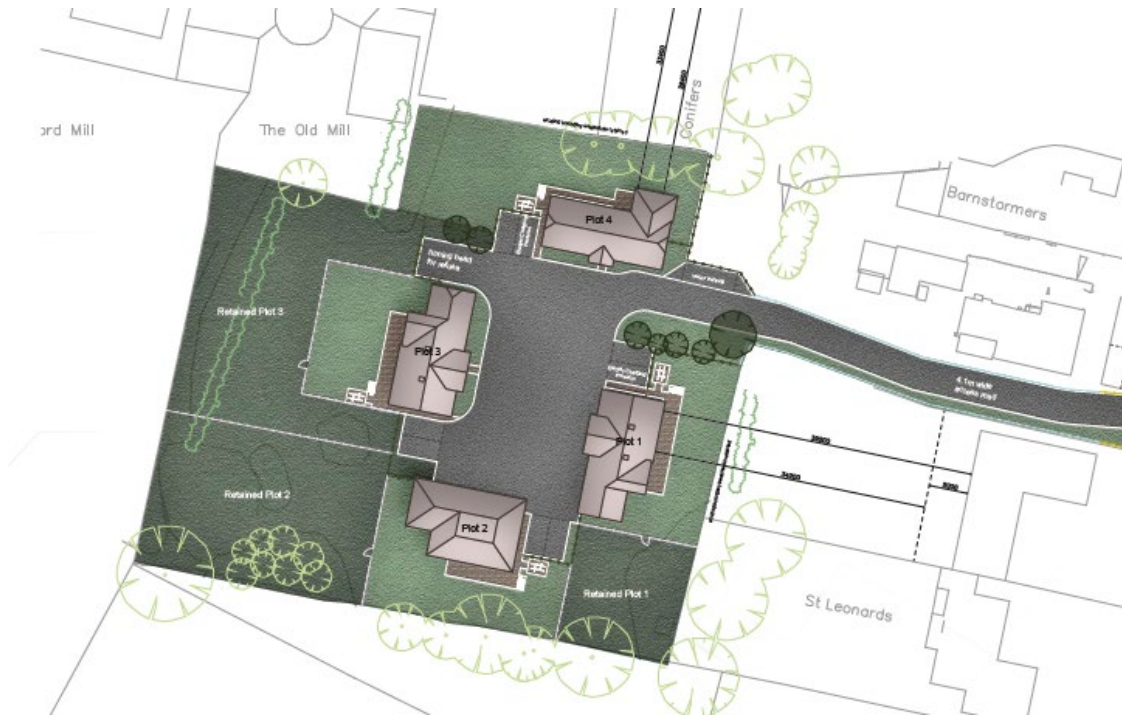
acceptable by the Inspector. The current application therefore seeks to confirm agreement on these matters with the local authority with the aim of securing a recommendation for approval for the development subject to an appropriate solution being secured for the Stodmarsh issue.

### 3. Development Proposal

- 3.1 Detailed planning permission is being sought for the for the erection of four dwellings at this site, together with access, parking and landscaping.
- 3.2 The scheme consists of 1 x 3 bed bungalow, 2 x 3 bed chalet bungalows and 1 x 4 bed two storey house in a courtyard arrangement. Each dwelling is provided with on-plot parking, minimum two spaces per dwelling (including EV charging point), with front gardens and rear private amenity space. The proposal will also deliver secure cycle facilities (at a rate of 1 space per bedroom for the new residential development) and refuse storage.
- 3.3 The key design principles for the site include the formation of a traditional farmstead courtyard arrangement and the use of architectural features and materials to be in-keeping with surrounding buildings and rural setting.
- 3.4 The proposal is served by a 4.1m access driveway off Stone Street which passes between Barn Bungalow and Hollybank. Hedgerow planting and timber and acoustic fencing is also provided along the driveway boundaries. A turning head has been provided to enable manoeuvrability of cars, refuse and fire service vehicle turning on-site.

- 3.5 The Applicant is proposing to utilise sustainable urban drainage systems in the form of permeable paving and underground storage. In terms of foul drainage, it is proposed to connect to the existing drainage network. The Applicant is willing to accept a condition(s) requiring a detailed surface water drainage scheme and foul drainage strategy to be submitted to and approved by the local authority prior to commencement if deemed necessary.

Figure 2: Proposed Site Location



## 4. Planning Policy Considerations

- 4.1 Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise. In this instance, the Development Plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act (2004), comprises the Places and Policies Local Plan (2020) and the Core Strategy Review (2022).
- 4.2 In addition to the policies of the Development Plan, there is other guidance which is material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Kent Minerals and Waste Local Plan.
- 4.3 The most relevant development plan policies are identified below and these, together with relevant NPPF references, are addressed where appropriate within the planning assessment in Section 5 of this Statement.

### CORE STRATEGY REVIEW (2022)

- Policy SS1 – District Spatial Strategy
- Policy SS2 – Housing and the economic growth strategy
- Policy SS3 – Place-Shaping and Sustainable Settlements Strategy
- Policy CSD1 – Balanced Neighbourhoods for Shepway

## PLACES AND POLICIES LOCAL PLAN (2020)

- Policy HB1 – Quality Places Through Design
- Policy HB3 – Internal and external space standards
- Policy T2 & T5 – Parking Standards
- Policy NE1 – Enhancing and Managing Access to the Natural Environment
- Policy NE2 – Biodiversity
- Policy CC2 – Sustainable Design and Construction
- Policy CC3 – Sustainable Drainage Systems (SuDS)
- Policy HE1 – Heritage Assets
- Policy HE2 – Archaeology

## NATIONAL PLANNING POLICY FRAMEWORK (2023)

- Paragraph 8: Achieving sustainable development – economic, social & environmental objectives
- Paragraph 11: Presumption in favour of sustainable development
- Paragraph 68: Importance of small and medium sized sites
- Paragraph 92: Safe and accessible places
- Paragraph 120: Making effective use of land
- Paragraph 130: Achieving well-designed places
- Paragraph 174: Conserving and enhancing the natural environment

## 5. Planning Assessment

5.1 Following the previous application 21/1142/FH and the associated appeal decision, it is common ground with the LPA and appeal Inspector that:

- The principle of the residential development is accepted.
- The design approach is acceptable, including the internal layout, scale and appearance of the dwellings. The design is also in-keeping with the character of the listed windmill.
- The living environment for the proposed dwellings is acceptable and the impact on the residential living conditions of existing occupiers (in terms of physical impact and overlooking is acceptable.
- The site is within Flood Zone 1 and will not be subject to flood risk and KCC as the Lead Flood and Drainage Authority previously accepted a planning condition to secure an acceptable surface water drainage strategy for the scheme.
- The scheme is acceptable in terms of ecological impact and is supported by an updated Extended Phase 1 Ecology Survey.
- The scheme is acceptable in terms of tree impacts, with the safeguarding of existing trees that afford an established screen to the perimeter of the site, and is supported by an Arboricultural Impact Assessment.



- The scheme is acceptable in terms of archaeological impact.
- The site layout includes an acceptable level of parking.

### Location of development and the effect on the countryside

- 5.2 Firstly, it is important to highlight that under the previous application, the LPA and appeal Inspector accepted the principle of residential development at the application site.
- 5.3 The site adjoins the defined settlement boundary of Stanford which is a designated ‘Secondary Village’ in the adopted Core Strategy spatial hierarchy (Policy SS3). The purpose of secondary villages is to continue to provide crucial rural facilities to visitors and their own residents and workforce, in line with local needs, their environment, and role as relatively small country settlements. In accordance with Policy SS3, development may be acceptable in principle within secondary villages, in proportion to their size and spatial purpose.
- 5.4 Policy SS1 ‘District Spatial Strategy’ of the adopted Core Strategy is underpinned by the proposed Otterpool Garden Community which now forms the main focus of strategic development for the district. The identification of this nearby growth hub, as well as a proposed local centre for Otterpool being located directly to the south of Stanford, further reinforces the sustainable credentials of the application site.
- 5.5 Policy SS1 of the Core Strategy 2022 also states that development outside identified centres in the open countryside and on the coast will only be allowed exceptionally, where such a location is essential. Whilst the main portion of the application site lies outside the settlement boundary of Stanford, it does not constitute open countryside. Under the recent appeal decision in August 2023, the Inspector concluded that the site forms more of a part of the village than it does the surrounding countryside, considering the following:
- “The use of the site as domestic garden land is established. It is bounded on two sides by the residential gardens of dwellings which fall within the settlement boundary, and the other two sides are bounded by hedges and trees which help to screen it from arable land to the west and what appears to be paddock land to the south”.*
- 5.6 The application site therefore benefits from being well-enclosed by existing residential development and established trees and vegetation particularly along the northern and western boundaries of the site which provides (in the case of the latter) screening from longer views across agricultural land.
- 5.7 The proposal remains unchanged from the previous application which has been designed to have a positive impact on the surrounding area by providing a small number of high-quality dwellings of a mixture of sizes. The external appearance of the scheme was designed to use the traditional forms, scales, and massing to that found in the area. The material palette was also carefully chosen to reflect the village setting and assist further the integration of the development within the surrounding area.
- 5.8 The Council previously raised no objection to the internal layout, size or appearance of the proposed houses in so far as they relate to the character of the village or surrounding countryside. The grouping of the buildings around a central courtyard would avoid a suburban layout and

would allow for the retention of generous space to the west, which would provide a soft edge to the farmland beyond and the proposed pattern of development was accepted by the Inspector.

- 5.9 Under the previous application, the LPA raised concern over the backland form of development as being uncharacteristic of the linear pattern of the village (it is noted that during earlier pre-application engagement, ref. Y19/0237/PREAPP, the LPA concluded the development would be “a visually acceptable extension to the village”). On this matter, the appeal Inspector concluded that the proposed development could be accommodated on the site without harming the character or appearance of Stanford because of the following reasons:

*“While Stanford can generally be described as a linear village, that is not strictly true in the vicinity of the appeal site. Kennett Lane provides a return from Stone Street with residential dwellings along its southern side and sizeable buildings at Yew Tree Farm to the north. Millers Court serves a small group of dwellings to the rear of other dwellings fronting Kennett Lane. Short spurs such as Yew Tree Close and Church Field provide development in depth off Stone Street further to the north. There are therefore instances where development has taken place behind houses fronting existing roads in the village”.*

- 5.10 It is considered that the surrounding area has evolved over many years, and this has resulted in an irregular, organic form of development, evidenced from the more recent constructions including contemporary and traditional infill development of plots at different depths and angles of siting all of which contribute to the character of the wider area. This was recognised to create a mixed character which is accentuated by the varied dwelling design, scale of development, separation between buildings, use of materials and landscaping within the vicinity of the site.
- 5.11 In summary, it has been established through the appeal process and Inspector’s findings that the development would not intrude into open countryside, nor would it harm the character or appearance of the village either through its location behind dwellings fronting Stone Street, or its internal layout and design. For these reasons, as confirmed by the recent appeal decision, the development would therefore accord with Policy SS3 of the Core Strategy, and Policies HB1 and HB10 of the Places and Policies Local Plan.

#### **Stodmarsh designated nature conservation sites**

- 5.12 The site falls within the River Stour catchment which is subject to Natural England advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites.
- 5.13 The conservation status of the Stodmarsh is currently unfavourable because it is suffering from eutrophication due to excessive nitrogen and phosphorus levels in water draining into the lakes from the River Stour. It is acknowledged that waste water from the proposal would drain to the Sellindge Waste Water Treatment Works, which outfalls to the River Stour. Therefore, when taken with other residential development in the River Stour catchment area, the proposal has the potential to have a significant adverse effect on the nature conservation status of the Stodmarsh. It is understood that a strategic solution is being developed by the Council which is expected to provide suitable mitigation for development within the District in due course and the overall solution may also involve a mix of public and private investment in the waste water treatment plants.

- 5.14 A solution was not available at the time of determination of the appeal, which led to its dismissal for the above single reason. Given that the proposal has been found to be acceptable in all other regards, it is requested that the LPA resolve to grant this application resubmission subject to the appropriate mitigation being secured for the development.

### **Setting of the Grade II\* listed Stanford Windmill**

- 5.15 The site is within close proximity of the Grade II\* listed Stanford Windmill. The supporting Heritage Statement assesses the impact of the proposed development on the setting and character of this heritage asset.
- 5.16 The recent appeal decision for application 21/1142/FH confirmed that the proposed development would preserve the contribution the site makes to the setting of Stanford Windmill, and thereby preserve the significance and special interest of the building in accordance with Policy HE1.
- 5.17 Because of its position some distance from the nearest public roads, views of the windmill are limited. It is most clearly seen from the end of Millers Court, a small residential close of modern houses that now surround the windmill. Because of its height, glimpsed views of the upper part of the windmill can also be gained from Kennett Lane and to a lesser extent Stone Street. More distant views of the listed building are obscured by existing buildings, trees or other greenery.
- 5.18 Cartographic evidence is provided within the Heritage Statement which reveals a gradual change in the setting of the heritage asset from its construction in the mid-19th century up to its listing in 1966 and up to present day, including development along the Kennett Lane and Stone Street frontages. More recently, its setting has changed considerably with the development of domestic houses in Millers Court, including buildings immediately to the southeast and southwest of the windmill. The windmill is now experienced together with the adjacent built development and a sense of openness is no longer a strong defining feature of its setting. The Planning Inspector recently concluded (see Appendix 1) that “the contribution the site makes to the appreciation of the significance of the listed windmill is therefore limited”.
- 5.19 Notwithstanding that limited role, the proposed development has been designed such that the western part of the site closest to the windmill would remain open, and the heights of the buildings on plots 1, 3 and 4 have been kept low so as to avoid blocking the remaining views from Stone Street. Some additional public views of the windmill are also likely to become available along the access drive and from within the proposed development that are not available at present. That would increase in a small way the range of views from which the windmill could be appreciated.
- 5.20 The Inspector also agreed that the design approach adopted, involving materials and features reminiscent of agricultural buildings but in a contemporary style, is appropriate to the setting of the windmill. On this basis, the proposal would not harm the contribution that the setting makes to the significance or special interest of the windmill.

### **Highway safety**

- 5.21 The supporting highway plan demonstrates that the access driveway meets the relevant technical standards for the scale of development and shows that both an 11.48m long refuse vehicle and a 7.88m long fire appliance could enter and exit the site in forward gear.

- 5.22 There is good visibility in both directions along Stone Street, which is lightly trafficked in nature, from the proposed access point and adequate visibility can be achieved. The traffic generation associated with four dwellings is minimal and would not have a negative impact on highway safety. It is relevant that the appeal Inspector found that the proposed development under reference 21/1142/FH would not give rise to a highway safety hazard (refer to Appendix 1).

## 6. Conclusion

- 6.1 This application resubmission seeks to secure planning permission at the site for four dwellings, subject to the resolution of the nutrient neutrality issue, and the proposals remain unchanged from that recently considered to be acceptable in all other aspects by the appeal Inspector on 31<sup>st</sup> August 2023 for application reference 21/1142/FH.
- 6.2 The location of the site and the proposed residential development continue to satisfy the main spatial objectives of both local and national planning policy which seek to focus new residential development to areas that enjoy a good degree of connectivity to local shops, services and amenities. The existing sustainability credentials of the site will be further enhanced by the planned garden community of Otterpool (Policy SS6). This proposal is for small-scale development which will infill the village and enhance and maintain its vitality in line paragraph 79 of the NPPF.
- 6.3 The recent appeal decision has confirmed that the proposal, which remains the same under this current application, would not cause any harm to the significance of the Grade II\* listed Stanford Windmill nor to highway safety. The Inspector also found that the proposed development would not intrude into open countryside, nor would it harm the character and appearance of the village.
- 6.4 It is concluded that a solution will be found to address the Stodmarsh neutrality concern in order to address the single reason for the previous appeal dismissal, where the proposals were found to be acceptable in all other regards. It is submitted that the proposed development provides a small, deliverable housing site that is well related to existing development and one that would make a positive and sustainable contribution towards the District's housing supply. On this basis,

and benefitting from the Inspector's recent appeal decision conclusions it is respectfully requested that this application is supported by the local authority.

## **Appendix 1:** Appeal Decision on Application 21/1142/FH (dated 31<sup>st</sup> August 2023)



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# **Appeal Decision**

Site visit made on 8 August 2023 by Guy Davies BSc (Hons)

DipTP MRTPI

**an Inspector appointed by the Secretary of State**

**Decision date: 31 August 2023**

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Appeal Ref: APP/L2250/W/22/3292726 Land rear of Barnstormers,  
Stone Street, Stanford TN25 6DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Concept Estates Ltd against Folkestone and Hythe District Council.

- The application Ref 21/1142/FH is dated 20 May 2021.
  - The development proposed is the erection of four dwellings, together with access, parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council says that had it determined the application it would have been refused on the grounds that the proposed development was located outside any defined settlement boundary and would be out of character with the area, would fail to preserve the setting of Stanford Windmill, would harm designated sites of nature conservation and would harm highway safety due to inadequate visibility splays and turning area. The latter two grounds are predicated on a lack of information contained with the application.
3. Following the appeal being lodged, the Folkestone & Hythe District Council Core Strategy Review 2022 (Core Strategy 2022) has been adopted. This supersedes the Core Strategy 2013, which is now withdrawn. Both main parties have been given the opportunity to comment on this change in status. I have had regard to those policies in the new Plan that have been drawn to my attention.

## Main Issues

4. Having regard to observations made by both main parties in their statements of case, I consider the main issues to be the effect of the development on:
    - The spatial strategy for the location of new development and effect on the countryside
    - The Stodmarsh designated nature conservation sites
    - The setting of the grade II\* listed Stanford Windmill
    - Highway safety.
- 

## Reasons

### *Spatial strategy and countryside*

5. Stanford is identified in Table 4.4 of the Core Strategy 2022 as a secondary village within the district settlement hierarchy<sup>1</sup>. The purpose of secondary villages is to continue to provide crucial rural facilities to visitors and their own residents and workforce, in line with local needs, their environment, and role as relatively small country settlements. This represents a change from its previous status as a primary village under the Core Strategy 2013, where it had a wider role to contribute to strategic aims as well as local needs. For this part of the district, that

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<sup>1</sup> Although it is labelled on Figure 4.2 of the Core Strategy 2022 as a primary village; I take this to be a drafting error.

strategic role is now directed to the new garden settlement at Otterpool Park. Nevertheless, development may still be acceptable in principle within secondary villages, in proportion to their size and spatial purpose, in accordance with Policy SS3 of the Core Strategy 2022.

6. Policy SS1 of the Core Strategy 2022 says that development outside identified centres in the open countryside and on the coast (defined as anywhere outside the settlements within Table 4.4) will only be allowed exceptionally, where such a location is essential.
7. Other than for its access, the appeal site lies outside the settlement boundary of Stanford as defined on the Policies Map. However, it does not constitute open countryside. The use of the site as domestic garden land is established. It is bounded on two sides by the residential gardens of dwellings which fall within the settlement boundary, and the other two sides are bounded by hedges and trees which help to screen it from arable land to the west and what appears to be paddock land to the south. In land use and visual terms it therefore forms more a part of the village than it does the surrounding countryside.
8. Although it is not essential to locate the proposed development in the countryside, its scale is proportionate to the size of the village and would meet primarily local rather than strategic housing needs. Given the lack of harm to the countryside, and the modest scale of the development, the principle of residential development was acknowledged as being acceptable on the site in pre-application advice and in the officer's draft report, although I note that view is not shared by representors, including the Parish Council.
9. The Council does, however, criticise the backland form of development as being uncharacteristic of the linear pattern of the village, where buildings front Stone Street and their rear gardens provide a transition to the countryside beyond.
10. While Stanford can generally be described as a linear village, that is not strictly true in the vicinity of the appeal site. Kennett Lane provides a return from Stone Street with residential dwellings along its southern side and sizeable buildings at Yew Tree Farm to the north. Millers Court serves a small group of dwellings to the rear of other dwellings fronting Kennett Lane. Short spurs such as Yew Tree Close and Church Field provide development in depth off Stone Street further to the north. There are therefore instances where development has taken place behind houses fronting existing roads in the village. Having regard to these examples, I consider that the proposed development could be

accommodated on the site without harming the character or appearance of Stanford.

11. The Council raises no objection to the internal layout, size or appearance of the proposed houses in so far as they relate to the character of the village or surrounding countryside. The grouping of the buildings around a central courtyard would avoid a suburban layout and would allow for the retention of generous space to the west, which would provide a soft edge to the farmland.
12. Because the majority of the site lies outside the defined settlement boundary and there is no need for the proposed dwellings to be sited in the countryside, I conclude that there would be a conflict with Policy SS1 of the Core Strategy. However, for the reasons given above the development would not intrude into open countryside, nor would it harm the character or appearance of the village either through its location behind dwellings fronting Stone Street, or its internal layout and design. It would therefore accord with Policy SS3 of the Core Strategy,

and Policies HB1 and HB10 of the Folkestone & Hythe District Council Places and Policies Local Plan 2020 (the Local Plan), which seek to ensure good design that responds to the character and appearance of the area and is of appropriate size and shape. The harm resulting from the conflict with Policy SS1 of the Core Strategy is therefore limited.

### *Nature conservation*

13. The Stodmarsh is an area of wetland lying to the east of Canterbury. It is designated as a Special Area of Conservation, a Special Protection Area, a Ramsar site, a site of Special Scientific Interest and in part as a National Nature Reserve. These designations underline its national and international importance for nature conservation. There is a requirement under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to assess whether the proposed development would be likely to have a significant adverse effect on its nature conservation status, and if so whether that effect can be adequately mitigated.

### *Appropriate assessment*

14. The conservation status of the Stodmarsh is currently unfavourable because it is suffering from eutrophication due to excessive nitrogen and phosphorus levels in water draining into the lakes from the River Stour. Waste water from the appeal proposal would drain to the Sellindge Waste Water Treatment Works, which outfalls to the River Stour. Nutrient levels are not sufficiently lowered by the Sellindge Works to prevent that outfall from contributing towards eutrophication of the Stodmarsh. Therefore, when taken with other residential development in the River Stour catchment area, the proposal has the potential to have a significant adverse effect on the nature conservation status of the Stodmarsh.
15. The consultation response from Natural England confirms that there is likely to be a significant effect on the Stodmarsh and seeks additional information. An assessment submitted by the appellant<sup>2</sup> notes the potential for a significant adverse effect on the Stodmarsh nature conservation sites and the need for mitigation. However, I have been provided with no details of what mitigation is required or how it would be secured. The appellant's assessment notes that a

strategic solution is being developed by the Council which is expected in due course to provide suitable mitigation, but I have no evidence that such an approach has been developed or is available at the current time.

16. In the circumstances, I cannot rule out the possibility that the proposed development would have a significant adverse effect on the Stodmarsh designated nature conservation sites. The amount of additional waste water generated by it would be small, but based on the precautionary principle adopted by the Habitats Regulations, some adverse effect could still occur. In the absence of any evidence to the contrary, I conclude that the development would conflict with Policy NE2 of the Local Plan, which seeks to protect all sites of European and global biodiversity importance.

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<sup>2</sup> Hume Planning Consultancy, Habitat Regulation Assessment Screening Matrix and Appropriate Assessment Statement, July 2021



### *Setting of listed building*

17. Stanford Windmill is a grade II\* listed building standing to the northwest of the appeal site<sup>3</sup>. It is a tower mill built in 1851, consisting of a cylindrical base of two floors with a tapering section of three floors and a boat-shaped cap. It has no sweeps although there is a fanstage on the cap and an external gallery at second floor level. Its significance and special interest lie in the surviving internal mill machinery, unusual two stage design and rarity as a wellpreserved example of a tower mill.
18. Because of its position some distance from the nearest public roads, views of the windmill are limited. It is most clearly seen from the end of Millers Court, a small residential close of modern houses that now surround the windmill. Because of its height, glimpsed views of the upper part of the windmill can also be gained from Kennett Lane and to a lesser extent Stone Street. More distant views of the listed building are obscured by existing buildings, trees or other greenery.
19. The appeal site forms an area of land to the south and east of the windmill. The map extracts in the heritage statement indicate that in the C19 the windmill would have been experienced in an open setting. However, that has gradually changed over the years with the construction of buildings along the Kennett Lane and Stone Street frontages. Mature trees have also now grown up along its southern and eastern boundaries. More recently, its setting has changed considerably with the development of domestic houses in Millers Court, including buildings immediately to the southeast and southwest of the windmill.
20. Although the appeal site is the last remaining area of open land adjacent to the windmill, there is little evidence to suggest that it has ever been functionally linked or historically associated with the windmill. The alterations that have taken place to its setting mean that views of it from the appeal site or surrounding land are now seen in conjunction with mature trees and/or domestic buildings. The windmill is now experienced together with the adjacent built development and a sense of openness is no longer a strong defining feature of its setting. The contribution the appeal site makes to the appreciation of the significance of the listed windmill is therefore limited.
21. Notwithstanding that limited role, the proposed development has been designed such that the western part of the site closest to the windmill would remain open, and the heights of the buildings on plots 1, 3 and 4 have been  
  
kept low so as to avoid blocking the remaining views from Stone Street. Some additional public views of the windmill are also likely to become available along the access drive and from within the proposed development that are not available at present. That would increase in a small way the range of views from which the windmill could be appreciated.
22. The Council criticises the design of the proposed dwellings as being out of character with the listed windmill. In my view, the design approach adopted, which is one of incorporating material and features reminiscent of agricultural buildings (for example dominant roof forms and black weatherboarding) but in a contemporary style, is appropriate to the setting of the windmill. In the context of the wide range of building styles and materials used in the vicinity,

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<sup>3</sup> List entry number: 1370011

many of which are more domestic in appearance, I consider that the appeal proposal would not harm the contribution that setting makes to the significance or special interest of the windmill.

23. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is paid to preserving the listed building, its setting, or any features of special architectural or historic interest that it possesses. In this case, I conclude that the proposed development would preserve the contribution the appeal site makes to the setting of Stanford Windmill, and thereby preserve the significance and special interest of the listed building. For the same reason, it would accord with Policy HE1 of the Local Plan, which seeks to protect heritage assets.

### *Highway safety*

24. The Council raises highway safety concerns relating to a lack of information to demonstrate the ability for a refuse vehicle to turn within the site, and that adequate visibility splays from the new access to Stone Street can be achieved. Those concerns are predicated on advice from the Highway Authority<sup>4</sup>.
25. It is not clear whether the Highway Authority has seen the highway related evidence submitted by the appellant. Be that as it may, submitted swept path diagrams<sup>5</sup> show that both an 11.48m long refuse vehicle and a 7.88m long fire appliance could enter and exit the site in forward gear. This satisfactorily addresses the Council's first concern.
26. There is currently good visibility in both directions along Stone Street from the proposed access point, although that does rely partly on land outside the application site. Although visibility splays are not drawn on the appellant's highway plan, it does show the extent of the highway. Based on that information it appears that adequate visibility can be obtained to the recommended standard of 2m x 43m within land owned by the appellant or the Highway Authority.
27. Even if that were not the case<sup>6</sup>, I consider that given the modest scale of development proposed and the lightly trafficked nature of this part of Stone Street, it is reasonable to assess the proposed access as a private drive with direct frontage access rather than as a public road designed to adoptable standards. In such circumstances, visibility is more than adequate from the

proposed access. In that respect I note that permission has previously been granted for a private access to Barn Bungalow in a similar position<sup>7</sup>.

28. In either case, I consider that the proposed development would not give rise to a highway safety hazard. The proposal would therefore comply with paragraphs 110-111 of the National Planning Policy Framework (the Framework), which require safe and suitable access to be provided to development sites. Policy T2 of the Local Plan is referenced in the Council's

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<sup>4</sup> Kent County Council, Highways and Transportation, letter 15 December 2021

<sup>5</sup> Charles & Associates, Site Layout Review, drawing 20-064-003

<sup>6</sup> Ownership of land adjacent to the carriageway is queried by the occupier of Hollybank

<sup>7</sup> Y19/0457/FH

appeal statement but as this relates to parking it is not relevant in so far as this appeal is concerned.

## Other Matters

29. Other matters have been raised in representations, including the impact on neighbouring occupants due to the proposed driveway, and possible undermining of the foundations to the listed windmill. Neither are matters on which the Council oppose the proposal. Having regard to the evidence presented to me, I also consider that those matters are not ones that are fatal to the scheme. Where necessary, they could be adequately addressed through conditional controls.
30. Kent County Council seeks financial contributions towards the provision of infrastructure as a result of additional demands arising from the development. However, the Folkestone and Hythe District Council charges a Community Infrastructure Levy and considers that the impacts identified by the County Council would be addressed through it. I have been given no evidence to suggest that would not be the case.

## Conclusion

31. Although I have found no harm would be caused to the significance of the grade II\* listed Stanford Windmill or to highway safety, I have found that the proposed development would conflict to a limited extent with the spatial strategy for the district, and in the absence of any mitigation would be likely to have a significant adverse effect on the Stodmarsh designated nature conservation sites. Having regard to these issues, I conclude that the development would conflict with the development plan when taken as a whole.
32. I recognise that the proposed development would result in the addition of four dwellings. Although there is no evidence to suggest that the Council is failing to deliver an adequate supply of housing land, this would still be of benefit in increasing the housing stock available to those seeking a home. There would also be modest economic benefits during the construction of the development and in the longer term from the activity of future occupiers.
33. In determining development proposals, paragraph 180 of the Framework advises that if significant harm to biodiversity cannot be avoided or mitigated, then planning permission should be refused. Given the importance that the Habitats Regulations, and current national and local policies place on protecting designated sites of nature conservation, I place significant weight on this matter.
34. Consequently, I find that the likely adverse effect on the Stodmarsh designated sites outweighs the benefit accruing from the development. That, and the limited conflict with the spatial strategy, leads me to conclude that the appeal should be dismissed.

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*Guy Davies*

INSPECTOR

## Appendix 2: Desktop Archaeological Assessment

Figure 1 demonstrates that archaeological findspots surrounding the site held on KCC's online mapping system of the Kent Historic Environment Record (HER).

In general, the records are characterised by scattered finds and features mostly associated with the Medieval to Modern era's and some earlier Roman and finds beyond the south of the site and the east towards the town centre, and some earlier Roman finds and Early Neolithic to Iron Age finds beyond the south in Westernhanger, but no archaeological evidence has been recorded within the site itself. A summary of the nearby features are as follows (in order of proximity to application site):

A summary of the nearby features are as follows (in approximate order of proximity to the application site):

- Stanford Windmill (TR 13 NW 118) - Post Medieval to Modern
- Windmill (TR 13 NW 40) - Post Medieval
- Hayward Farm (MKE88426) - Post Medieval
- Yew Tree Farm (MKE88425) - Post Medieval
- Roman Coin (TR 13 NW 4) – Roman
- Bronze Romano-British Bracelet (TR 13 NW 23) - Roman
- Outfarm south east of Hayward Farm (MKE88440) - Post Medieval
- Former National school (TR 13 NW 10) – Undated
- Church of All Saints (TR 13 NW 197) - Post Medieval
- WWII munitions store, Fairmead Farm (TR 13 NW 164) - Modern
- Westernhanger Station (TR 13 NW 38) - Post Medieval to Modern

- Roman field systems at Junction 11, M20 (TR 13 NW 153) - Roman
- Late Iron Age - Roman pits and ditches (TR 13 NW 161) - Late Iron Age to Roman
- Medieval ditch (TR 13 NW 162) - Medieval
- Roman site nt Hillhurst Farm (TR 13 NW 45) – Roman
- 16th century (?) ditches, north of Westernhanger Castle (TR 13 NW 160) - Post Medieval
- Neolithic/Bronze Age worked flint, Westenhanger (TR 13 NW 171) - Early Neolithic to Late Bronze Age
- Westenhanger Castle (TR 13 NW 3) - Medieval to Modern
- Possible Deserted Medieval Site of Eastenhanger (TR 13 NW 22) - Medieval
- Possible Deserted Medieval Site, Westenhanger (TR 13 NW 21) – Medieval
- Westenhanger Manor (TR 13 NW 102) - Medieval to Modern
- Barns at Westenhanger Manor (TR 13 NW 96) - Medieval to Modern
- Site of St. Mary's Church (TR 13 NW 2) - Medieval to Modern
- Westhanger Manor (MKE88710) - Post Medieval

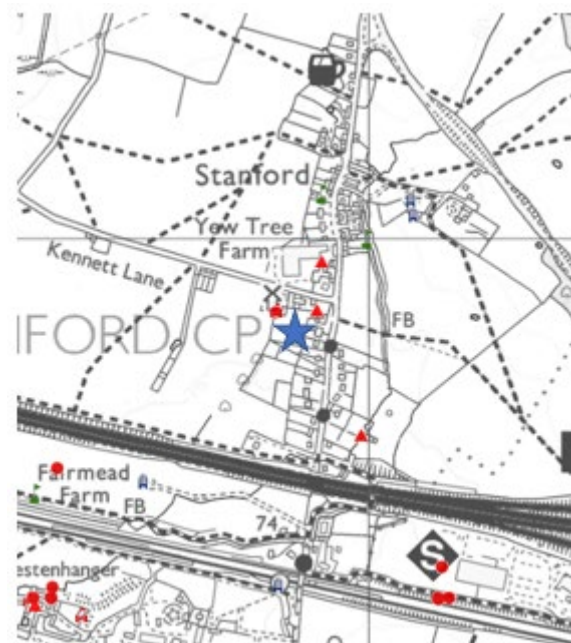


Figure 1: Archaeological findspots surrounding the application site shown by red illustrations (Source: Kent HER)

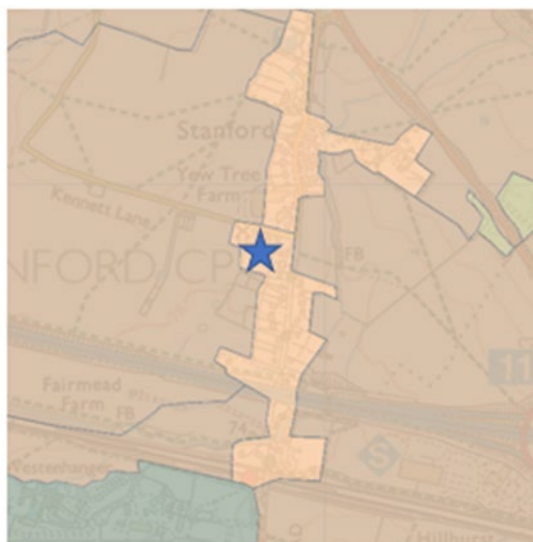


Figure 2: Historic Landscape Characterisation. Brown shading: Field Patterns, Orange shading: Settlements, Blue shading: Recreation (Source: Kent HER)

The Heritage Gateway and Archaeological Data Service provides details of NMR Excavation Index results in the surrounding area, which consists of seven nearby entries:

- Stop 24, Junction 11 M20: Excavation and watching brief revealed Roman field system ditches of 1st-3rd century AD date. Periods: Late Neolithic, Roman and Post Medieval
- Land adjacent to Hillhurst Farm, Westenhanger: An archaeological evaluation was undertaken on land which lay close to the route of the Roman road from the saxon shore fort at Lympne to Canterbury. Period: Uncertain, Medieval and Post Medieval
- Land off Stone Street, Westenhanger: Twelve evaluation trenches were excavated in advance of proposed development recording post-medieval and undated features only. Period: Post Medieval, 20th Century and Uncertain.
- Land west of Stone Street: Investigation of alluvial deposits encountered during evaluation work at Fairmead Farm, Westenhanger (site known as 'West of Stone Street'). Period: Uncertain.
- West of Stone Street: Investigation of alluvial deposits following evaluation. Period: Uncertain.
- Land adjacent to Hillhurst Farm, Westenhanger: Evaluation in advance of the proposed construction of a motorway service station recorded a Roman pit suggesting a possible settlement between this site and the Roman road. Period: Roman.
- Westenhanger Castle (Phase III): Evaluation in advance of proposed development recorded medieval walls and later finds. Period: Medieval and Post Medieval.



Figure 3: NMR Excavation Index results within 500m radius of the application site (Source: Heritage Gateway)