

03 October 2025

Mr Ian Bull  
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**NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**Case Reference**      **PA/2025/0824**

**Site Address**        **Land between Copper Lodge and The Cloth Hall, Water Lane, Smarden**

**Proposal**            **35no dwellings, together with all associated landscaping and infrastructure.**

**DECISION: Planning Permission is REFUSED for the following reasons:**

**Refusal Reasons:**

- 1 The proposal would be contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU15, ENV3a, ENV5, ENV13, ENV15, COM1 and IMP1 of the Ashford Local Plan 2030; the Landscape Character SPD 2011; the Residential Space and Layout SPD 2011; the Smarden Village Design Statement; and the National Planning Policy Framework; and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-

1) The proposed development would have a significant adverse visual impact on land forming part of the Beult Valley Farmlands Landscape Character Area (LCA), impacting upon its open rural character that forms an important component of the setting of Smarden and impacting upon the open backdrop in views out of the conservation area. This is due both to the openness of the site and its important role in marking the transition between the limit of the village and the open countryside beyond. The erection of a large incongruous housing development with associated infrastructure on the site would unacceptably urbanise and domesticate this important undeveloped gap to the detriment of the visual amenity of the area. This harm is further exacerbated by the urbanising affect of developing this side of Water Lane, an historic rural lane. The proposal represents unsustainable development which would detract from the character and appearance of the countryside and visual amenity of the area.

2) The proposed development would have less than substantial harm on the significance of the heritage assets, namely the Smarden Conservation Area and the listed buildings - particularly the Grade II\* listed property known as The Cloth Hall and the Grade I listed church. The proposal lies on land forming an important part of the character of the setting of both aforementioned heritage assets by virtue of its open and undeveloped nature that is rural and spacious character. The development of this land by the proposal, along with its domestication and the consolidation of built development, would unacceptably erode the

important undeveloped land and represent unsustainable development adversely affecting the setting of the heritage assets. The public benefit of providing the 35 houses does not outweigh the less than substantial harm.

3) The proposal has provided insufficient information to demonstrate that heritage assets with archaeological interest would not be harmed as a result of the development. The failure of the proposal to adequately assess and protect the historic environment would be unacceptable.

3) The proposal would by virtue of its siting, layout, scale, mass and cramped design result in a lack of suitable separation distances between plots 14 and 15, plots 13 and 17, plots 12 and 18, and plots 25 and 26, which would lead to poor relationships between the proposed dwellings and detrimental overlooking between future occupiers, relating to both the internal habitable spaces of the dwellings and also the associated outdoor amenity areas, to the detriment of the amenities and quality of life of future occupiers of the development, which would be unacceptable.

4) In the absence of any completed legal agreement (S106) the proposal fails to secure the necessary infrastructure contributions provision, onsite infrastructure and housing, together with monitoring and reporting generated by the proposal. Therefore, the proposal is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations.

#### **Informatives:**

- The following drawings and documents have been marked as refused as part of this determination

| <b>Description</b>  | <b>Date</b>   |
|---|---------------|
| Proposed Plots 2, 3 and 6 - Plans and Coloured Elevations - (note: plots 2 and 3 are handed versions) - 31130A_21 Rev B | 30 April 2025 |
| Proposed Plot 15 - Plans and Elevations - 31130A_25 Rev B   | 30 April 2025 |
| Proposed Plot 23-25 - Plans and Elevations - 31130A_29 Rev B  | 30 April 2025 |
| Proposed Plots 26-28 - Plans and Elevations - 31130A_30 Rev B   | 30 April 2025 |
| Proposed Plot 21 - Plans and Elevations - 31130A_27 Rev B   | 30 April 2025 |
| Proposed Plots 8-9, 10-11, 16-17, 19-20 - Plans and Elevations - 31130A_23 Rev B  | 30 April 2025 |
| Proposed Plots 33 - 35 - Plans and Elevations - 31130A_32 Rev A   | 30 April 2025 |
| Proposed Plot 5 - Plans and Elevations - 31130A_33 Rev A  | 30 April 2025 |
| Proposed Plots 1 and 4 - Plans and Coloured Elevations - 31130A_20 Rev B  | 30 April 2025 |
| Proposed Plot 22 - Weatherboard Option Plans and Elevations - 31130A_28 Rev B   | 30 April 2025 |
| Proposed Plot 18 - Plans and Elevations - 31130A_26 Rev B   | 30 April 2025 |
| Site Location Plan - 31130A_01 Rev E  | 30 April 2025 |
| Arboricultural Report   | 30 April 2025 |
| Proposed Plots 29-32 - Plans and Elevations - 31130A_31 Rev B   | 30 April 2025 |
| Proposed Plots 12 and 14 - Plans and Elevations - (Note: Plot 14 is a handed version) - 31130A_21(a) Rev B              | 30 April 2025 |
| Proposed Plot 13 - Plans and Elevations - 31130A_24 Rev B   | 30 April 2025 |
| Proposed Plot 7 - Plans and Coloured Elevations -31130A_22_ Rev B   | 30 April 2025 |
| Street Scene Coloured - 31130A_35 Rev C   | 30 April 2025 |
| Energy & Sustainability Statement   | 2 May 2025    |

|  |                  |
|--|------------------|
| Proposed Refuse Plan - 31130A_114 Rev C1   | 31 July 2025     |
| Proposed Site Plan - 31130A_101 Rev M1   | 31 July 2025     |
| Proposed Boundary Treatments Plan - 31130A_112 Rev C1  | 31 July 2025     |
| Proposed Parking Strategy Plan - 31130A_110 Rev F1   | 31 July 2025     |
| Proposed Sustainability Strategy Plan - 31130A_115 Rev B1  | 31 July 2025     |
| Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate | 3 September 2025 |

- In accordance with paragraph 39 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service,
  - as appropriate updating applicants/agents of any issues that may arise in the processing of their application where possible suggesting solutions to secure a successful outcome,
  - informing applicants/agents of any likely recommendation of refusal prior to a decision and, by adhering to the requirements of the Development Management Customer Charter.

In this instance the applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters.

**Signed**



Simon Cole  
Assistant Director - Planning and Development

## **REFUSAL OF PLANNING PERMISSION**

### **Notes for the Applicant Appeals**

1. If you are unhappy with the disclosed Decision to refuse permission, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Any appeal must be made within 6 months of the date of decision, or 6 months from the expiry of the period which the LPA had to determine the application. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate at least 10 days before submitting the appeal. You can notify the Planning Inspectorate via email at:-([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)). Further details are available on [www.gov.uk](http://www.gov.uk) However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:-28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.-28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months). NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date. The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay,

Bristol BS1 6PN or by telephoning on:-0303 444 5000 or via their website: [www.planning-inspectorate.gov.uk/pins/index.htm](http://www.planning-inspectorate.gov.uk/pins/index.htm) A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

**Beneficial Use**

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990. Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.