

13 February 2026

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

Case Reference **PA/2025/2093**

Site Address **Land Northwest of, 70 Lower Vicarage Road, Kennington, Ashford**

Proposal **Erection of 2 no. dwellings.**

DECISION: Planning Permission is REFUSED for the following reasons:

Refusal Reasons:

- 1 The proposed dwellings, by reason of their siting and reduced separation distances from first-floor habitable room windows of the existing two-storey properties to the north in Broadhurst Drive, would be subject to direct and material overlooking. These distances fall materially below the 21m privacy benchmark referenced within the Council's adopted Residential Space and Layout SPD and would result in an unacceptable loss of privacy and harmful living conditions for future occupiers. The harm could not be adequately mitigated through boundary treatment without causing undue dominance. The proposal is therefore contrary to Policies SP6 and HOU15 of the Ashford Local Plan 2030 and paragraph 135 of the National Planning Policy Framework (2024).
- 2 Insufficient and inconsistent ecological information has been submitted to demonstrate that the proposed development would avoid harm to protected species and biodiversity interests. In particular, discrepancies within the Preliminary Ecological Appraisal regarding reptile habitat suitability and the absence of necessary survey work mean that the presence of protected species cannot be ruled out. Therefore, the proposed development would be contrary to Policies SP1 and ENV1 of the Ashford Local Plan 2030, The Wildlife and Countryside Act 1981, as amended, paragraphs 98 and 99 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' and paragraphs 192 and 193 of the revised Framework.
- 3 The proposal has failed to demonstrate that wastewater from the proposed dwellings would not add to current problems of increasing nitrogen and phosphorus levels at Stodmarsh Lakes which is a site of international importance and designated as a Special Protection Area, Special Area of Conservation, Ramsar site and Site of Special Scientific Interest. The development would therefore be contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), Policy ENV1 of the Ashford Local Plan

2030 and paragraph 193 of the National Planning Policy Framework which ensures protection of these areas.

Informatives:

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

Description	Date
Unit 2 - Proposed Elevations - 07	10 November 2025
Existing & Proposed Site Sections - 08	10 November 2025
Unit 1 Proposed Floor Plans - 04	10 November 2025
Unit 1 - Proposed Elevations - 05	10 November 2025
Unit 2 - Proposed Floor Plans - 06	10 November 2025
Visibility Splays - 10	10 November 2025
Existing Site Layout Plan 02	10 December 2025
Proposed Site Layout Plan 03	10 December 2025
Site Location Plan 01	10 December 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

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 and provided the opportunity to withdraw the application before it was determined.

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). Further details are available on 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 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.