

## **Appeal decision dated 23 July 2015; Inspector Katie Peerless**

### **Appeal Decisions: Land south of A20/M20 Link Road Roundabout (Waterside Park) Ashford Road, Hollingbourne, Kent ME17 1RE**

Appeal A: Part outline, part detailed application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000 m<sup>2</sup> of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary café and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (23,533m<sup>2</sup>) and associated offices (4,145m<sup>2</sup>) with access, service yard parking and landscaping.

#### **Appeal Dismissed**

Appeal B: Part outline, part detailed application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528 m<sup>2</sup> of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary café and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m<sup>2</sup>) and associated offices (2,995 m<sup>2</sup>) with access, service yard parking and landscaping.

#### **Appeal Dismissed**

##### Summary

A Public Inquiry was held over 10 days in May 2015 to determine whether planning permission should in fact be granted for the above two planning appeals.

In addition to the case as presented by the Council and the appellant, there were two other parties granted Rule 6 status who made extensive representation: KCC/Kent Downs AONB Executive/Natural England Rule 6 Party; and, CPRE/Joint Parishes Group Rule 6 Party.

The Inspector considered the main issues in both of the appeals to be as follows:

The effect of the proposed developments on:

- (i) The landscape character and visual amenity of the surrounding area, including the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB) and
- (ii) The setting of nearby heritage assets.

### Landscape character and visual amenity

The Inspector considered the character of the area as largely undeveloped countryside and considered the existing features such as the waste container site, the Great Danes Hotel tower, the Leeds sewage treatment works and a series of polytunnels as relatively isolated from each other. To allow the appeals would narrow the gaps between these features and thereby 'accentuate their impact and consolidate the built form into a larger mass... prove disruptive and seriously harmful to the character of the wide landscape'.

#### Key points:

- Given the height and expanse of roof and side wall the buildings would be difficult to camouflage.
- Landscaping would take years to establish and have limited effect.
- The extent of the earthworks and their manmade nature would 'contrast unfavourably with the gently rolling hills...'
- The significant scale of the proposals would dominate the foreground of the views of the Old Mill Farm cluster of buildings and the AONB landscape beyond. 'This would have a detrimental impact on the setting of the AONB...'
- The diversion of the footpath across the site would have a detrimental impact to the experience of walkers (by loss of views of Leeds Castle)
- The rural character of the site would be lost
- Policy ENV28 still carries significant weight in accordance with its consistency with the NPPF, as such the proposals do not accord with the adopted policy in the Development Plan that relates to the protection of the countryside (NB this is the view with regard to employment development not housing)

### Settings of heritage assets

- 'The greatest impact on the setting of a heritage asset would be on Leeds Castle and its Park.'
- The intrusion of substantial industrial development into an otherwise well preserved setting is considered particularly harmful – especially as the impact is on a Grade I Listed Castle and Grade II \* listed parkland setting.
- The proposals would affect the setting of the non-designated heritage asset at Old Mill Farm

### Other issues considered

- Need for the development – shortage of employment land acknowledged, but urgency for this site reduced by ADL pulling out; application not considered premature in light of local plan time frame.
- Traffic – the proposals would not meet the sustainability aims of the NPPF and could have an adverse impact on congestion levels on the main traffic arteries
- Other environmental matters – impact on the River Len considered. No objections.

### **Conclusion**

The proposals would be contrary to Policy ENV28 of the adopted local plan; lead to a loss of designated countryside and cause harm to landscape character and visual amenity.

The proposals would cause harm to the setting of heritage assets weighing against the grant of planning permission – LBCA refers.

Other material considerations were considered, the key conclusion being

**'The environmental harm would be greater than the identified economic advantages and the adverse impacts would significantly and demonstrably outweigh the benefits. (para 97)'**

Officer comment: the above is a snap shot taken from the Inspector's report, Members are encouraged to read the full report as it contains far more detail and analysis than this précis.