



**PINS ref APP/U2234/W/23/3329481
LPA ref: 23/500899/OUT**

Appeal by

Wates Developments

in relation to

**LAND NORTH OF THE A20/ASHFORD
ROAD, HOLLINGBOURNE, KENT**

**PROOF OF EVIDENCE ON
LANDSCAPE AND VISUAL
MATTERS**

prepared by

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on behalf of

Maidstone Borough Council

December 2023

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Appendices (separate document)

- A. Published Landscape Character Descriptions
- B. Visualizations
- C. Cawrey Case

1. Introduction

Background

- 1.1 My name is Peter Radmall. I have an M.A. in Geography from the University of Oxford and a B.Phil. in Landscape Design from the University of Newcastle-upon-Tyne. I am a Chartered Landscape Architect and have around 40 years of professional experience. I have worked for several design and planning practices, and have taught at a graduate and post-graduate level in the UK and Australia. I have been an independent practitioner for the last 25 years.
- 1.2 My principal area of expertise is landscape and visual impact assessment. I have carried out such assessments for a wide range of projects, including residential schemes in settlement-edge locations, and have acted as an expert witness on numerous occasions.
- 1.3 I was instructed in early October 2023 by Maidstone Borough Council (MBC) to prepare landscape and visual evidence in relation to this inquiry. I am familiar with the project and the local area, having previously been appointed by the Council to review the landscape and visual impact assessment (LVIA)¹ submitted with the application.
- 1.4 This evidence has been prepared and is given in accordance with the guidance of the Landscape Institute, and I can confirm that it represents my true and professional opinion.

Scope and Approach

- 1.5 My evidence considers the landscape and visual effects of the proposed development. These relate to impacts on the character, appearance and perceptual qualities of the landscape, and impacts on views and their amenity value for the people who experience them (receptors). Whilst these impacts are by convention treated separately, they are closely related, since landscapes are primarily perceived visually.

¹ Pegasus Group, February 2023

- 1.6 Having reviewed the LVIA on behalf of the Council², I consider it to be broadly in accordance with the prevailing guidance (GLVIA3³). However, I do not necessarily agree with every aspect of its approach or with every judgment or use of terminology within it, and will be highlighting relevant areas of disagreement.
- 1.7 Nevertheless, much of the LVIA is of a factual and largely uncontentious nature, and in order to minimise repetition I have not carried out a duplicate LVIA of my own. Instead, I refer to the LVIA where relevant and have undertaken supplementary work to inform my own assessment. This has included preparing my own version of one of the assessment views, which is representative of the views towards the AONB referred to in the Council's Decision (see below).
- 1.8 I undertook fieldwork in May and November of this year. This fieldwork was undertaken from public rights-of-way (PRoWs) and roads; as is normal for LVIA's, access to private property was not sought.
- 1.9 In considering the likely effects, I will be focussing on the project as completed and operational, initially at "Year 1" (i.e. before landscaping has taken effect), and then at "Year 15" (allowing for the growth of landscaping). This is consistent with the approach in the LVIA. Whilst I do not specifically assess temporary impacts during the construction phase, permanent changes that occur during construction are picked up in the Year 1 scenario.

Main Issues

- 1.10 This evidence relates to Reason for Refusal 2, which is as follows:

The development would cause significant harm to the character and appearance of the countryside and landscape within the local area through its site coverage and scale, further consolidation of development and urbanisation in the vicinity, and prominence in local views. It would also have a significant adverse impact on the setting of the Kent Downs AONB in views towards the scarp slope from Old Mill Road to the south. This would be contrary to policies SP17(1) and (4) and DM20(ii) of the Maidstone Borough

² Review of Landscape and Visual Matters, June 2023

³ Guidelines for Landscape and Visual Impact Assessment (Landscape Institute/Institute of Environmental Management and Assessment, 2013)

Local Plan 2017, policy SD8 of the Kent Downs AONB Management Plan and paragraphs 174(a) and (b) and 176 of the NPPF.

1.11 It is agreed in the Statement of Common Ground that the reference to policy DM20(ii) is an error, and that the correct policy should be DM30(ii).

1.12 It is further agreed in the SoCG that the reference to NPPF 174(a) can also be deleted, since the Council does not consider the appeal site, on its face, to qualify as a valued landscape. This does not mean, however, that it possesses no value. However, its value derives primarily from its location within the setting of the North Downs, and is therefore covered by NPPF 174(b) and 176.

1.13 The main issues arising from the Reason may be summarized as follows:

- Significant harm to the character and appearance of the local landscape and countryside;
- Resulting from the coverage and scale of the development;
- Together with its cumulative effect in combination with existing urbanising influences; and
- Its prominence in local views; and
- Its significant adverse impact on the setting of the Kent Downs AONB;
- As perceived in views towards the scarp from Old Mill Road.

1.14 It is noted that the Reason does not explicitly refer to views from the AONB. My evidence will demonstrate that, whilst the development is likely to be visible from some locations within the AONB, viewing distance and the panoramic quality of these views are such that it is unlikely to be materially harmful.

Structure of my Evidence

1.15 My evidence is organised as follows:

- Section 2 describes the site and its setting;

- Section 3 considers its relationship to the published landscape character assessments;
- Section 4 assesses the sensitivity of the site and its setting;
- Section 5 reviews the visual influence of the site and the proposed development;
- Section 6 highlights the relevant features and sources of impact of the proposed development, and considers their perceptual implications;
- Section 7 assesses the likely impacts on the assessment views;
- Section 8 assesses the effects on landscape features and character;
- Section 9 considers the concerns raised in RfR2 and their policy implications; and
- Section 10 presents a summary and conclusion.

1.16 My evidence comprises this document (written proof), together with the following appendices (presented as a separate document):

- A. Published Landscape Character Descriptions
- B. Visualizations
- C. Cawrey Case [CD4.8]

References

1.17 The main documents to which I shall be referring are as follows:

- Guidelines for Landscape and Visual Impact Assessment (GLVIA3, 2013) [CD5.1]
- TGN02/21: Assessing landscape value outside national designations [CD5.2]
- Maidstone Landscape Character Assessment (Maidstone Borough Council/Jacobs, July 2013) [CD5.6]

- Landscape Assessment of Kent (KCC/Jacobs Babbie, October 2004) [CD5.7]
- Kent Downs AONB Management Plan [CD3.3]
- Kent Downs AONB Setting Position Statement [CD3.5]
- LVIA [CD1.2], Photomontages [CD1.3] and LVIA Addendum [CD1.7]
- LVIA Review [CD2.20]
- Design and Access Statement [CD1.4]
- Local Plan policies and Policy Map [CD3.1]
- NPPF
- Delegated Report [CD2.18]
- Woodcut Farm Approved Planting Plan [CD5.9]

2. Site Description and Setting

2.1 Since the site has been described in the LVIA and other application documents, I shall focus on those aspects of relevance to its character and appearance, and to its relationship with the surrounding area. An aerial photo is provided in **Figure 2.1**.

2.2 The site is c2.9 hectares in area, and comprises a single, roughly triangular arable field enclosed by hedgerows, scrub, tree-belts and post-and-rail fencing. It slopes gently from north-east to south-west. The immediate context of the site is further defined by the following features:

- To the north by Musket Lane, a minor road that is no longer accessible. Beyond this lies "White Heath", a detached property and associated buildings, together with the Woodcut Farm employment development, which is substantially built out;
- To the east by the M20 slip-road, which connects northwards to M20 junction 8, with the motorway itself lying c100m from the site. The Maidstone Services are located to the north of the motorway, occupying a triangle of land between the M20 and the Maidstone to Ashford railway. The Channel Tunnel Rail Link (HS1) runs parallel to the M20 on its northern side.
- To the south by the A20, which at this point divides from single into dual-carriageway. The eastbound carriageway crosses the slip road on a flyover in order to avoid the roundabout at its junction with the A20, immediately to the east of the site.

2.3 The surrounding transport infrastructure has a significant impact on the local area and the setting of the site. This has included severance of the original field pattern and the creation of residual land parcels, such as the appeal site. Tree planting has taken place within several of these parcels, as around the service area and close to HS1. However, other parcels retain their agricultural use and openness, of which the appeal site is an example.

Figure 2.1: Appeal Site



- 2.4 Other impacts have included the introduction of lighting, traffic (and probably occasional train) noise and views of infrastructure and moving vehicles. These impacts have a cumulatively urbanising influence on local character, which has been reinforced by the emergence of other built developments and landuse changes along the A20/M20 corridor. They include the M20 service area, major hotel/leisure facilities (the Tudor Park Marriott Hotel and the Mercure Maidstone Great Danes Hotel) and, in particular, the Woodcut Farm employment area.
- 2.5 Beyond the A20/M20 and these developments, however, the countryside reasserts itself within what is an overwhelmingly rural landscape. Agricultural uses and woodlands prevail, within a recognisable (though often altered) field pattern. Whilst 20thC suburban development has encroached along Caring Lane, c0.75km to the west of the site, settlements such as Eyhorne Street/Hollingbourne (to the east) and Leeds (to the south) retain their village character.
- 2.6 Most notably, the distinctive landscapes that reflect the geological sequence of this part of the Weald can be appreciated. The site is located within a zone of spurs and tributary streams developed on the dip slope of the Greensand

ridge, which runs southwards into the River Len valley. To the north, on the Gault Clay, the spurs become more pronounced and wooded (e.g. at Snarkhurst Wood, beyond Maidstone Services). The terrain then rises to form the instantly recognisable scarp of the North Downs, which provides the backdrop to northward views from the lower-lying terrain to the south, including the vicinity of the appeal site.

- 2.7 The urbanising influence of the infrastructure and development along the A20/M20 corridor interrupts the relationship between these landscapes in terms of both their inter-visibility and their continuities of land-use. This reinforces the importance of restraining further harmful intrusion into the character and appearance of the area, as expressed through the published character assessments described in the next section.

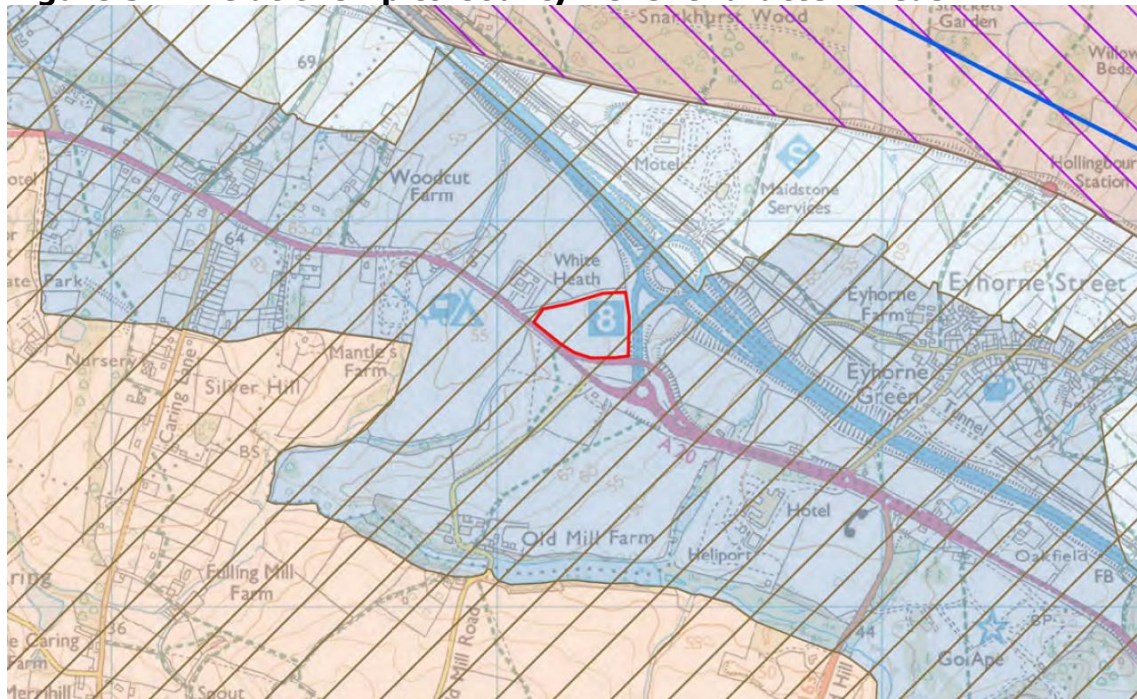
3. Landscape Character Context

Overview

3.1 The site's relationship to published character assessments is set out in LVIA Section 5, and may be summarized as follows:

- i. The site is located within National Character Area 120: Wealden Greensand, and is inter-visible with NCA119: North Downs, which lies to the north of the M20;
- ii. At the county level, the site is located within the Greensand Belt regional character area and the Leeds-Lenham Farmlands local character area (ref **Figure 3.1**); and
- iii. At the borough level, the site falls within the Valleys landscape type, borough-wide character area 49: Leeds Castle Parklands and detailed character area 49-2: White Heath Farmlands (ref **Figures 3.2/3**).

Figure 3.1: Relationship to County-Level Character Areas



Slate-grey area = Leeds-Lenham Farmlands, olive-green hatching = Greensand Belt
Extracted from LVIA Figure 5: Landscape Character Plan

Figure 3.2: Leeds Castle Parklands



Figure 3.3: Location within White Heath Farmlands



Representativeness of Site

- 3.2 The descriptive text for the Leeds-Lenham Farmlands, Leeds Castle Parklands and White Heath Farmlands is attached at **Appendix A**. The key published characteristics of these areas are set out in **Table 3.1** below, with a comment on the degree (high, medium, low or N/A) to which the site/its immediate setting are representative of them.

Table 3.1: Representativeness of Published Character Areas

Key Characteristic	Degree to which Site/Immediate Setting are Representative	Comment
Leeds-Lenham Farmlands		
Undulating farmland development on well-drained sandy loams	High	Most of the site comprises a gently sloping arable field. Soils in the vicinity are sandy in character
Small copses with heathy characteristics	Medium	Tree cover forms part of its vegetated boundaries. Some vegetation in the vicinity is heathy in character
Historic parklands	None	But Leeds Castle estate lies c1km to east
Mineral extraction	None	None within site or evident in immediate surroundings
Transport corridor	High	A20/M20 corridor forms its immediate setting.
Leeds Castle Parklands		
Artificial landform as part of golf course at Leeds Castle	Low	No such landform within site, but associated with adjoining M20 corridor
Historic Leeds Castle and surrounding parkland	None	Site lies outside the registered parkland
Pocket of lowland dry acid grassland	None	Site is mainly under arable cultivation
Mature parkland trees including oak, horse chestnut and pine	Low	Not present on site, but visible in surrounding area
River Len to the south	Medium	Not present on/adjoining site, but its influence is felt to the S of the A20
Severance caused by M20/HS1/A20	High	Site comprises a parcel of residual land between M20/A20
White Heath Farmlands		
Major infrastructure	High	M20/A20 form its immediate setting

Vegetation belts along the head of the Len valley	Medium	Trees within site contribute to this vegetated character
Urban influences including car dealership	Medium	None within site, but influence its immediate setting – car dealership now replaced by Woodcut Farn employment site
Modern development	Medium	None within site, but Woodcut Farm development is locally prominent

3.3 In summary, the site/its immediate setting are:

- highly representative of the undulating farmland that is characteristic of the Leeds-Lenham Farmland, and of the M20/A20 corridor that bisects the area, but not representative of historic parkland or mineral extraction and partly representative of heathy woodland;
- generally not representative of the Leeds Castle Parklands (although parkland tree cover is evident in the surrounding area), and highly representative of the severance caused by the M20/A20 corridor, which includes artificial landforms (outside the site); and
- affected by the urbanizing influence of surrounding infrastructure and modern development (notably Woodcut Farm), whilst making some contribution to the vegetated character of the Len valley.

3.4 What is clear from this analysis, and from the published character descriptions, is that there is a conflict between the negative influence of the M20/A20 corridor and its associated developments, and the positive influence of the surrounding countryside, which includes residual parcels of farmland such as the appeal site.

3.5 The M20/A20 corridor (reinforced to the north by HS1) interrupts the rural land-uses that otherwise prevail northwards towards the North Downs and southwards towards the Greensand Ridge. This physical severance is reinforced by a degree of perceptual severance, due to intrusive development within the corridor and the associated erosion of qualities such as tranquillity, wildness and dark skies.

3.6 Development proposals within the corridor have in recent years tended to be of increasing scale and prominence, as demonstrated by Woodcut Farm and this appeal scheme. Such development has the potential to interrupt the north/south inter-visibility referred to in Section 2, by which the geological sequence of the landscape can be appreciated, allowing lower-lying landscapes to borrow some of their identity from the prominence of elevated areas such as the North Downs and the Greensand Ridge. These considerations clearly have implications for landscape sensitivity, as discussed in Section 4.

4. Landscape Sensitivity

Background

- 4.1 As advised in GLVIA3, landscape sensitivity is derived from its value and its susceptibility to change. Since the term “valued landscape” was introduced (but not defined) by the NPPF in 2012, the concept of landscape value has attracted a substantial amount of analysis and debate. The Council is not seeking to argue that the site qualifies in its own right as a valued landscape, and it will therefore suffice for me to make three introductory points.
- 4.2 Firstly, the NPPF reference to valued landscape (at para 174) is made in the context of the “*natural and local environment*” [my emphasis]. This indicates that the local area is the appropriate frame of reference in which landscape value should be considered. Whilst this is not defined in the NPPF, it presumably relates in planning terms to the borough/district and/or neighbourhood levels.
- 4.3 Secondly, there is a distinction between a landscape (or site) “possessing value” and “being valued”. Whilst the former typically reflects its intrinsic character or location, the latter requires a documented acknowledgement of that value, typically in the form of some sort of designation.
- 4.4 Thirdly, as GLVIA3 advises, the absence of designation does not necessarily imply an absence of value⁴. However, the presence of a designation clearly signifies that an area is considered to have achieved an appropriate threshold of value in accordance with the criteria and procedures applicable at the time.

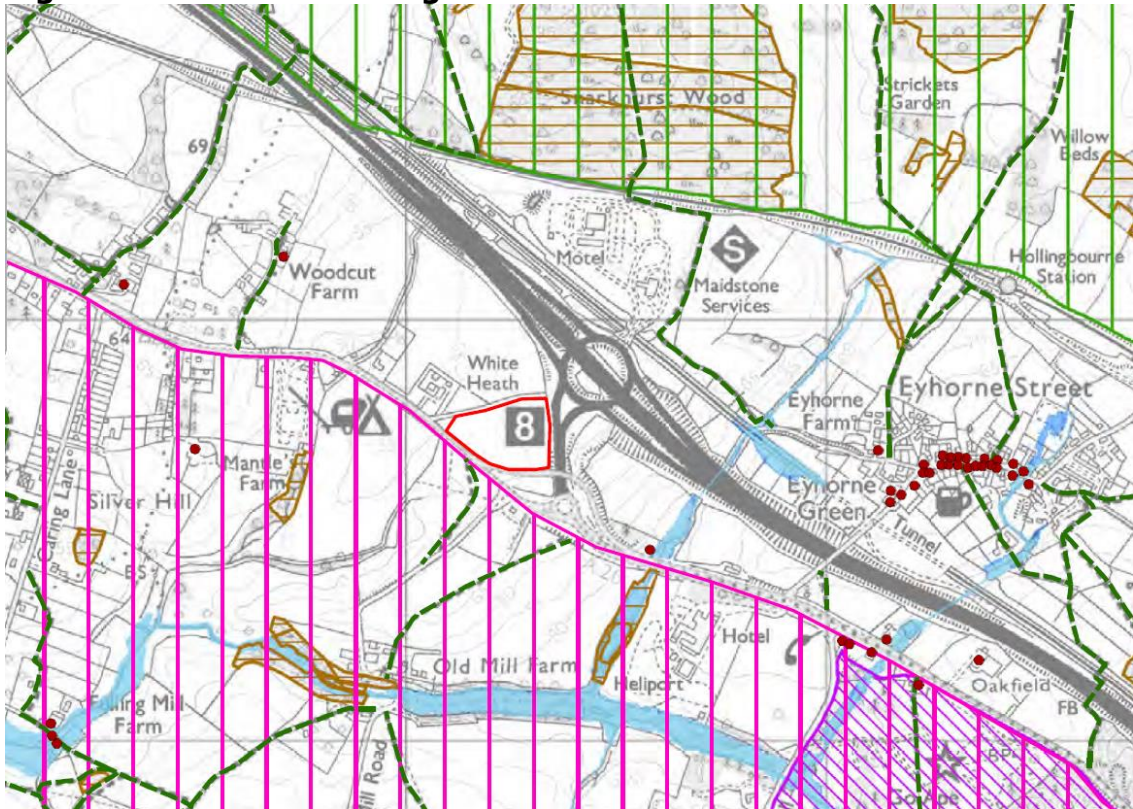
Designated Landscapes

- 4.5 In this case, the site is not subject to any designation. However, there are three relevant designations in the surrounding area (ref **Figure 4.1**):
- the Kent Downs AONB, the boundary of which follows the Maidstone to Ashford railway, c0.5km to the north;

⁴ GLVIA3 5.26

- the Len Valley Landscape of Local Value (LLV), the boundary of which follows the A20; and
- Leeds Castle registered park/garden (RPG), the boundary of which lies c1km to the east.

Figure 4.1: Relevant Designations



Vertical green hatching = Kent Downs AONB, Vertical magenta hatching = Len Valley LLV, Oblique magenta hatching = Leeds Castle registered park/garden
 Extracted from LVIA Figure 4: Environmental Designations Plan

4.6 As the ZTV presented in the LVIA indicates⁵ (ref **Figure 5.1**), the site/development are theoretically inter-visible with:

- A substantial section of the North Downs scarp, within the AONB, over distances of c1.7-2.3km to the north-east;
- A swathe of the LLV extending from its boundary on the A20 for c0.5km to the south/south-west, together with part of the Greensand Ridge beyond the Len Valley, c1km to the south; and

⁵ LVIA Figure 7: Zone of Theoretical Visibility Plan

- Areas within the eastern part of the Leeds Castle RPG.

- 4.7 As a result of this inter-visibility, the site/development can be said to fall within the settings of these designated areas to a corresponding degree.
- 4.8 In relation to the AONB, it is common ground between the parties that the site falls within its setting. The importance and sensitivity of this setting are emphasized in the AONB Management Plan and Setting Position Statement⁶, and as explicitly referenced in NPPF 176.
- 4.9 The site also falls within the setting of the Len Valley landscape of local value. Whilst the settings of LLVs have no explicit recognition in planning terms, inter-visibility enables relevant aspects of that value to be appreciated from outside the LLV, whilst intrusive development within its setting can potentially also harm that appreciation.
- 4.10 In view of the very limited extent of inter-visibility with the Leeds Castle RPG, this is not considered to be of relevance.

Value of Appeal Site

- 4.11 I consider below the value and susceptibility of the appeal site as reported in the LVIA, and comment on whether I agree with its conclusions.
- 4.12 The LVIA considers the value of the main physical attributes of the site to be as follows:
- Arable land: Low/Medium [LVIA 4.4];
 - Topography: Medium [LVIA 4.12];
 - Trees/scrub/hedgerow: Not specified, but assumed to be Medium to High [LVIA 4.19].
- 4.13 The LVIA considers the site in relation to the "Box 5.1" factors in GLVIA3⁷, and concludes that it is of Medium value [LVIA 5.65].
- 4.14 My own evaluation of the site's attributes is that I agree with the LVIA in relation to their value except in relation to arable land. In view of the site's

⁶ Kent Downs AONB Setting Position Statement, AONB Joint Advisory Committee, February 2022

⁷ "Range of factors that can help in the identification of valued landscapes", GLVIA3 p84

contribution to the “farmland” character of the Leeds-Lenham Farmlands and the White Heath Farmlands, I consider this to be of Medium (rather than Low/Medium) value.

4.15 The site’s relationship to the setting of the AONB must also be considered. The site is not individually distinctive. However, as a parcel of undeveloped and representative countryside, its appearance provides a counterpoint to the influence of the nearby infrastructure and the Woodcut Farm development. As a result, the site makes a positive - albeit highly localised - contribution to the setting of the AONB.

4.16 Overall, I agree with the LVIA conclusion that the site is of Medium value.

Susceptibility of Appeal Site

4.17 GLVIA3 defines susceptibility as “...*the ability of the [landscape, site or specific component] to accommodate the proposed development without undue consequences for...the baseline situation and/or the achievement of landscape planning policies and strategies*”. [GLVIA3 5.40] “Undue consequences” are not defined, but can be taken to mean something akin to significant harm. It should be noted that susceptibility is normally assessed in relation to the scale/type of development proposed.

4.18 The LVIA considers the susceptibility of the main physical attributes of the site to be as follows:

- Arable land: Low [LVIA 4.4];
- Topography: Medium [LVIA 4.12];
- Trees/scrub/hedgerow: Medium to High [LVIA 4.19].

4.19 Reflecting this, the LVIA considers the site to be of Medium susceptibility [LVIA 5.56].

4.20 Whilst I agree with the LVIA’s assessment of susceptibility in relation to topography and trees/scrub/hedgerow, I disagree in relation to arable land. Since the type/scale of development proposed would necessarily require the site to be taken out of arable cultivation, this attribute should be considered to be of high susceptibility. Since the overwhelming majority of the site

comprises arable land, I consider the susceptibility of the site to be Medium to High (as opposed to Medium).

Sensitivity of Landscape Receptors

4.21 Drawing together the themes from sections 3 and 4, I consider the key landscape receptors to be as follows:

- i. Appeal site;
- ii. White Heath Farmlands detailed character area;
- iii. Leeds Castle Parklands borough-level character area;
- iv. Leeds-Lenham Farmlands county-level character area;
- v. (indirectly) Len Valley LLV;
- vi. AONB setting; and
- vii. (indirectly) the AONB itself.

4.22 In **Table 4.1** below, I assess the sensitivity of these receptors.

Table 4.1: Sensitivity of Landscape Receptors

Receptor	Sensitivity	Explanation
Appeal Site	Medium	As set out above, but towards the upper end of Medium (Medium value x Medium/High susceptibility)
White Heath Farmlands	Medium	Reflects Low sensitivity N of the A20 (due to the presence of Woodcut Farm and the M20) and High sensitivity to the S (within the LLV)
Leeds Castle Parklands	Medium	Reflects the High sensitivity of the parklands themselves, and the Medium sensitivity of the detailed character areas to the west, which include the appeal site.
Leeds-Lenham Farmlands	Medium	Reflects the High sensitivity of those parts within the LLV, Leeds Castle parklands and historic settlements (e.g. Eyhorne Street) and Low sensitivity along the M20/HS1/sections of the A20.

Len Valley LLV	High	Reflects its distinctive and attractive appearance, and its locally designated status.
AONB Setting	High to Very High	Reflects its acknowledged relationship to the AONB, despite localised variations in its sensitivity from Low to High.
AONB	Very High	Reflects its nationally designated status and the overall susceptibility of its special qualities

4.23 The LVIA considers the sensitivity of the “host” landscape character areas to be as follows (with a comment on whether I agree):

- White Heath Farmlands: Moderate [LVIA 5.78] - Agree (assuming my Medium to be comparable);
- Leeds Castle Parklands: Not separately assessed in the LVIA;
- Leeds-Lenham Farmlands: Low (LVIA 5.71] - Disagree (I consider it to be Medium); and
- Local landscape: Medium [LVIA 5.82] - Agree (assuming this to be equivalent to the White Heath Farmlands);

5. Visual Influence

Overview

5.1 An extract from the screened zone of theoretical visibility (ZTV) presented in the LVIA is shown in **Figure 5.1**. A total of 16 assessment views (VPs) have been identified to represent the potential impact of the development, from a range of distances/directions. These can be summarized into the following categories:

- Short-range views (over distances of up to c250m) from the surrounding undesignated landscape: VPs 1, 4 + 8;
- Short-range views from the LLV: VPs 6+7;
- Medium-range views (over distances of 1-1.5km) from the LLV: VPs 9, 10 + 11;
- Medium-range views from undesignated landscape to W/N: VP 2;
- Medium-range views from the nearest part of AONB: VP3;
- Medium to long-range views (over distances of 2.5-3km) from the chalk scarp/AONB to N/NE: VPs 12, 13 + 14; and
- Long-range views (over distances of 3.5-4km) from the chalk scarp/AONB to N/NW: VPs 15 + 16.

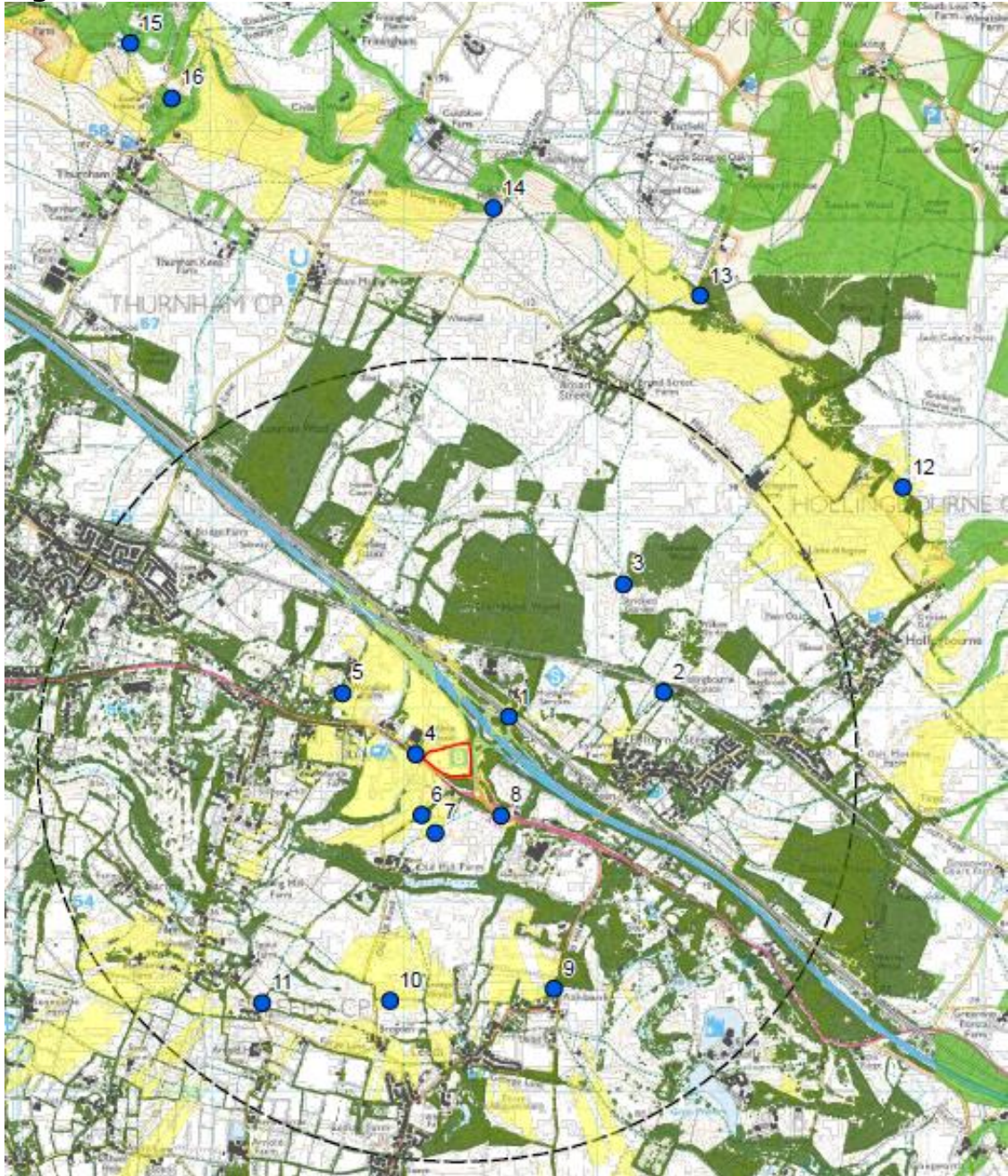
5.2 As reported in my own review of the LVIA [CDX], the number and distribution of viewpoints appear to be reasonable.

5.3 The LVIA identifies two categories of visual receptors: road users, which are considered to be of low sensitivity, and users of PRowS/country park/visitors to historic site, which are considered to be of mainly high (in three cases, medium to high) sensitivity. I agree with these judgments.

5.4 It is noted that the LVIA does not identify local residents as a receptor category. This does not exclude the possibility of views towards the site/development from such properties (e.g. in the vicinity of LVIA VP5).

Depending on the amenity role of such views, these receptors would typically be considered to be of high sensitivity.

Figure 5.1: ZTV Extract



Appraisal of the Baseline Views

5.5 My appraisal of the baseline views and the role of the site may be summarised as follows:

- The site is directly visible in only two views (VPs 4 + 6);

- However, its location can be inferred from its proximity to Woodcut Farm, which is visible in a further five views;
- Highway infrastructure is a major influence on three views (when seen in the foreground); and
- Other development (the Great Danes Hotel and a Biffa waste management site) is seen in three views (two of them together with Woodcut Farm).

5.6 The views demonstrate that the appeal site is neither a prominent nor distinctive element of the landscape. However, in the two views where its farmland character can be appreciated, the site is perceived as forming part of the countryside context of the developed uses along the M20 corridor.

5.7 The Woodcut Farm development is visible in six (38%) of the views, most notably in VPs5 and 6. Its relative prominence, before its landscaping has become established, is notable. Despite its proximity to the site, and its influence on the character of the M20 corridor, highway infrastructure is conspicuous in only four (25%) of the views, mainly when seen at close-range (VPs 1, 4 and 8). From elsewhere - in VP6, for example - this infrastructure tends to be the set within a vegetated context, such that its impact is confined to lighting columns and glimpses of moving traffic (together with noise).

5.8 The LVIA views reinforce the value and perceived character of the surrounding landscape. Six (38%) of the views are from within the AONB, and in almost all cases are of a panoramic quality, in which the sequence of landscapes extending across the Gault Clay and Greensand Ridge can be appreciated. These views are consistently of high amenity value - intrusive features are confined to power lines (in one view) and Woodcut Farm (in another, VP12) (although it should be noted that the clarity of the views is poor).

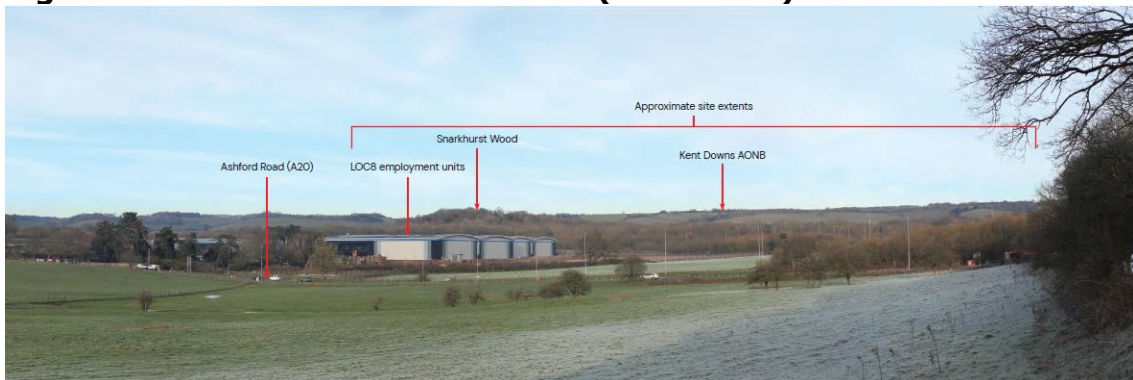
5.9 Seven (44%) of the views are from within, or on the edge of, the Len Valley LLV/Greensand Ridge. In all but one of these views, the chalk scarp is

prominent or conspicuous as a backdrop, with the crest of the North Downs forming the skyline.

Views relevant to the Council's Reason

- 5.10 Reason 2 refers to the development *giving rise to "...a significant adverse impact on the setting of the Kent Downs AONB in views towards the scarp slope from Old Mill Road to the south."* The nearest representative view is VP6, which for reference is shown in **Figure 5.2** below. This is taken from a PRow (KH180) close to where a stile provides access from Old Mill Road. Variations of this view are obtained from further along the road and the PRow.

Figure 5.2: Baseline Version of VP6 (from LVIA)



- 5.11 The most obvious characteristic of this view is the prominence of Woodcut Farm, which partially obstructs, and detracts from, the backdrop formed by the chalk scarp and the wooded spurs along its foot (e.g. Snarkhurst Wood). Importantly, however, Woodcut Farm sits well below the skyline, which remains unbroken by built development. The A20 crosses the middle-ground, marked by a line of lighting columns. Further lighting columns beyond this are associated with the M20 service area and Junction 8.
- 5.12 Apart from these intrusive influences, the view remains one of attractive countryside. The viewpoint, and its foreground of undulating pasture, fall within the LLV. As farmland, the appeal site maintains a degree of visual continuity with this foreground, beyond which Woodcut Farm and the vegetation associated with the M20 provide a perceived change in character.
- 5.13 Woodcut Farm and the chalk scarp are visible in five additional views. In one of these (VP5), the former is seen in an oblique, but broadly similar

relationship to the scarp and its wooded spurs. In the remaining four, Woodcut Farm is insufficiently prominent or elevated to challenge the prominence of the AONB.

- 5.14 The Reason does not refer to views from the AONB. However, these views are one of the key attributes of the chalk scarp, contributing significantly to its amenity value. The Delegated Report refers to the development being visible in these views, and for completeness I shall therefore also consider the development's impact on them.

6. The Proposals and their Sources of Impact

Introduction

- 6.1 The development is described in the application documents, notably the DAS and the supporting plans. I do not propose to repeat this, except to summarize the main physical and visual changes that would occur, and then to comment on their perceptual implications. Whilst my primary focus is on the completed development, the construction works will themselves be a significant source of impact.

Sources of Impact during Construction

- 6.2 Construction works are invariably intrusive, including sources of impact such as noise, mobile and large-scale plant (e.g. cranes), site clearance, lighting and earthworks. Whilst the impact of construction activities themselves will be temporary, two sources of impact will have permanent implications for site character: Loss of land cover/vegetation, and change to topography.
- 6.3 The existing arable land cover of the site would be removed. In addition, one low-quality (Category C) tree and one unretainable (Category U) tree would be removed in order to construct the site access [LVIA 4.21]. All vegetation around the site perimeter would otherwise be retained and enhanced (see below). The site is gently undulating and would need to be reprofiled to accommodate the building footprint and access/parking areas.

Sources of Impact from Completed Development

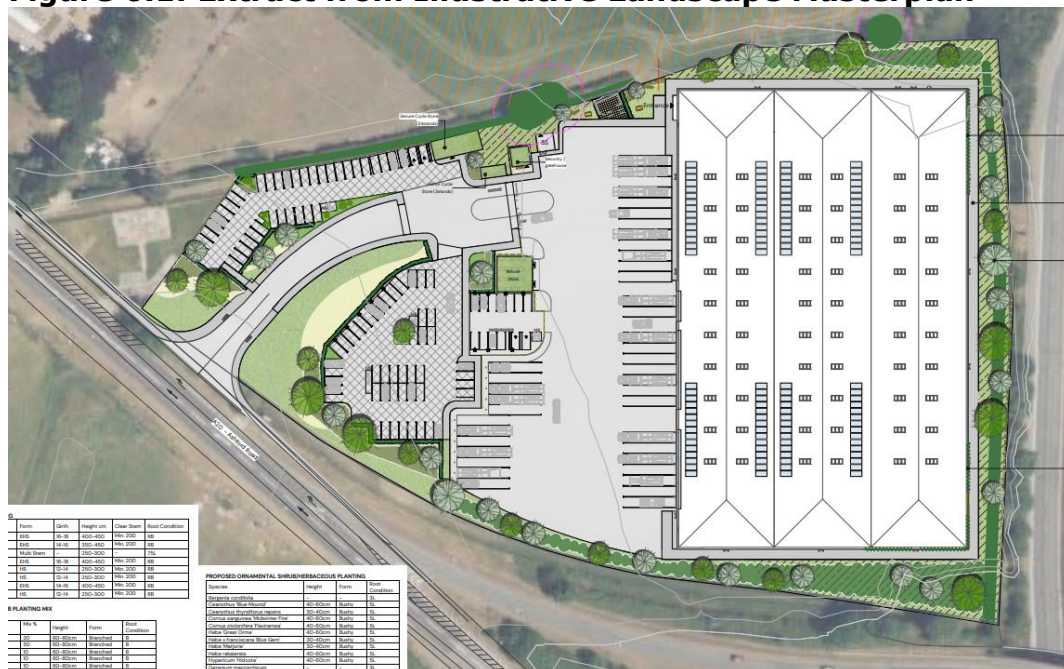
- 6.4 The proposals would transform the character of the site from an agricultural field to an employment/logistics use. An extract from the Illustrative Landscape Masterplan⁸ is shown in **Figure 6.1**.
- 6.5 A c11,394sqm warehouse building would occupy the eastern part of the site, amounting to c38% of the site. This would be 15m high to parapet, with a ridged roof of three bays and hipped gables. By way of comparison, this is more than double the height of a typical two-storey

⁸ Pegasus drwg no. P21-3546_06 REV E

house, and 25% (3m) higher than the tallest buildings permitted on Woodcut Farm.

- 6.6 Vehicular access would be provided from the A20/Ashford Road in the form of a new priority junction. This would access employee parking and (via a gatehouse) the HGV parking/service yard, which would adjoin the warehouse to the west. The access road, parking and service yard would occupy a further 35% of the site.
- 6.7 The remaining c27% of the site would comprise landscaped green space, including tree planting, particularly on either side of the access road and along the southern and eastern boundaries (in order to reinforce existing vegetation). The landscape scheme would achieve a net increase in tree cover on the site, which is intended both to enhance biodiversity and (in the longer-term) to provide screening of the warehouse and parking/service yard. Green walls/climbing wires are also proposed on part of the warehouse façade.
- 6.8 Once completed and occupied, the development would introduce lighting onto what is currently an unlit site (although the nearby sections of the A20 and M20 have street lighting), together with traffic movements (with HGVs routed to/from the A20/M20).

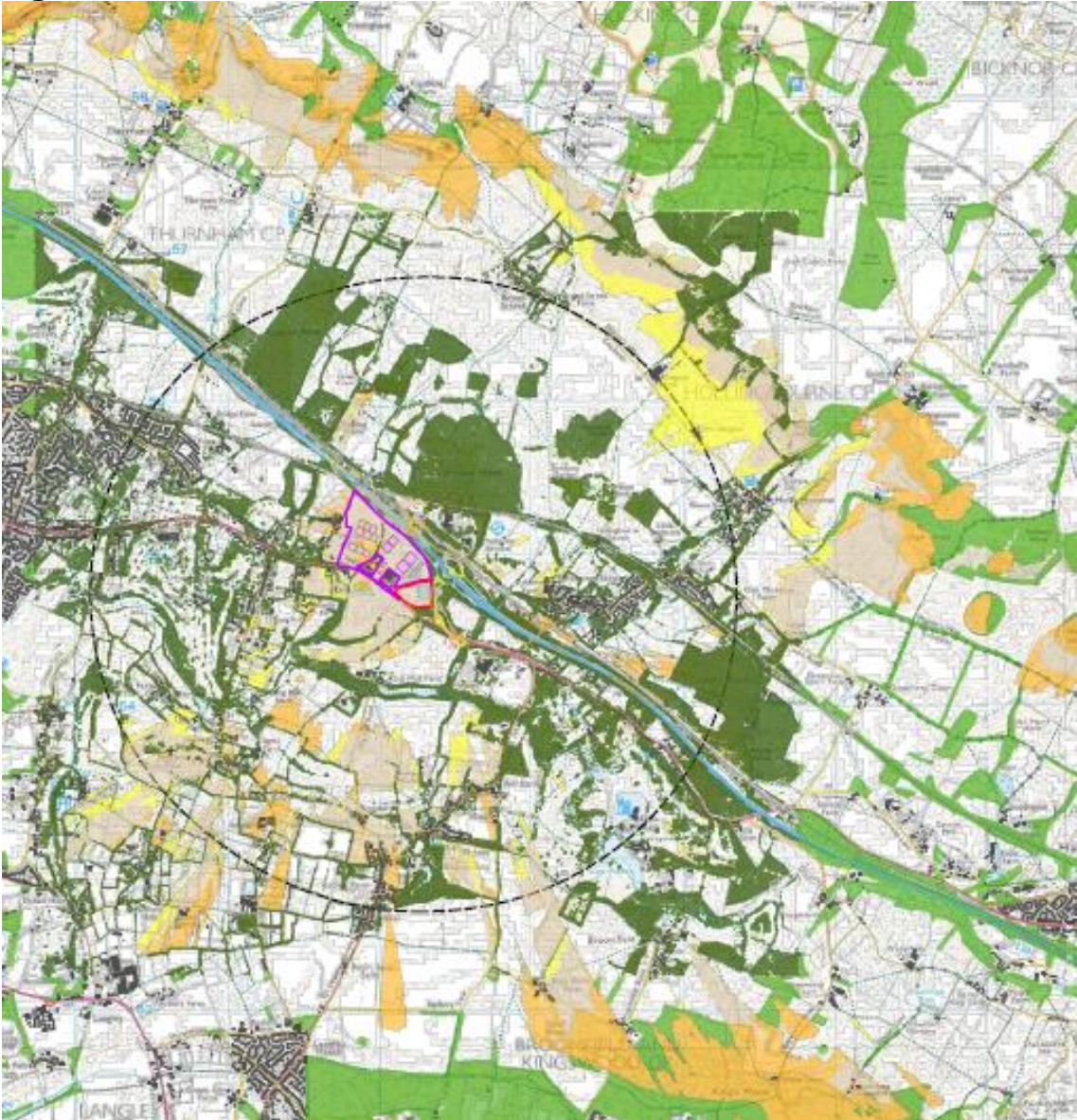
Figure 6.1: Extract from Illustrative Landscape Masterplan



Perceptual Implications

- 6.9 The development would have two overriding implications for the role of the site and the character/appearance of the local area. Firstly, the site would cease to form a parcel of countryside, in terms of both its prevailing use and its relationship to its rural setting. Despite the increase in the site's vegetated perimeter, its overall loss of greenfield character will be unmistakable in short-range views (VPs 4/6), reducing the current perception of continuity with the open countryside to the south of the A20. Furthermore, the LVIA's own Year 15 version of VP6 demonstrates that the proposed tree planting would be insufficient to outweigh the harmful impact of the development in this respect (see Section 7).
- 6.10 Secondly, the proposals would be perceived as an eastward extension of Woodcut Farm, as far as M20 Junction 8, and thereby a further consolidation of the emerging corridor of development between the motorway/A20. This will be apparent, not only on the ground, but in a range of short-to medium-range views. As noted in Section 4, Woodcut Farm is already visible in a substantial proportion (38%) of the assessment views. The LVIA montages for three of these views (VPs 6, 10 and 12) indicate that the appeal scheme would also be visible. It is reasonable to assume that the appeal scheme would appear in the remainder these views, seen alongside or in close association with Woodcut Farm.
- 6.11 The degree to which the development is likely to be "co-visible" with Woodcut Farm is indicated by the Cumulative ZTV presented in the **LVIA Addendum**, an extract from which is presented in **Figure 6.2** below. The mushroom-grey shading shows areas in which both developments would be visible. By way of comparison, the yellow shading shows areas in which the appeal scheme only would be visible, and the orange shading areas in which Woodcut Farm only is visible.

Figure 6.2: Cumulative ZTV



7. Effects on Views

7.1 In this section, I review the effects on the assessment views, as summarised in **LVIA Table 2**, focussing in particular on the views to/from the AONB and the effectiveness of mitigation. This then informs my consideration of the effects on landscape character, including AONB setting, in Section 8.

Impact on Assessment Views at Year 1

7.2 Having reviewed the LVIA's reporting of effects at Year 1, I broadly agree with the magnitudes of change and level of effects identified for all the viewpoints. The most significant effects are predicted to be Moderate/Major (for VPs 4/6), reflecting either short viewing distance and/or relatively sensitive receptors.

7.3 Since this is not EIA development, the significance of the effects has not been reported in the LVIA. However, the terms "significant harm" and "significant adverse impact" are used in Reason 2. For assessment purposes, I have therefore assumed effects of Moderate magnitude or above to be significant, which is broadly consistent with EIA practice. On this basis, 31% of the views/receptors are likely to experience potentially significant effects.

7.4 It is worth noting that visual effects result, not only from the magnitude of individual impacts, but from their frequency and geographical spread. As a result, the development is likely to be seen from a relatively large number of receptors, and/or from a sequence of viewpoints, as receptors drive or walk through the area, perhaps even on a daily basis – for example, users of the A20 and walkers on the North Downs Way. Even though individual views may be fleeting, limited in extent or at some distance, they will contribute to a cumulative perception of the development and its impact.

7.5 This cumulative perception will also influence how the development will be seen within its landscape context of varying character and value. As noted in Section 6, the development is likely to be seen in the 38% of the views in which Woodcut Farm is already visible. This will be the case, for example,

both in relatively close-range views (e.g. VP6) and long-distance views from the chalk scarp (e.g. VP12).

7.6 In terms of the views that of particular relevance to the landscape effects, the following should be noted:

- The magnitudes of change to the seven views towards the chalk scarp/AONB range from Low to Medium/High (VP6);
- The magnitudes of change to the six views from the AONB range from Negligible to Low/Medium (VP12); and
- The magnitudes of change to the seven views from the LLV range from Low to High (VP4).

7.7 In consideration of its particular relevance, I now consider the impacts on views towards the AONB in more detail, followed by a comment on the impacts on views from the AONB.

Viewpoint 6

7.8 The impact on views towards the AONB from the vicinity of Old Mill Lane (**LVIA VP6**) is explicitly referenced in Reason 2. This VP is located within the LLV, which provides an immediate context of attractive landscape to the south of the A20. Variations on this view are obtained at other points along the lane, and as one moves northwards along the PRoW.

7.9 Reflecting the importance of this view to the Council's case, MSEnvision have produced our own version of it, together with two supplementary views from locations further to the north along the PRoW (ref **Appendix B**). This view has already been introduced in Section 5, so I will focus on those aspects of most relevance to the impact of the development.

7.10 Whilst the Woodcut Farm development is already prominent in the view, it sits well below the skyline of the downs and obstructs views of the wooded footslopes rather than the chalk scarp itself. To the right, the openness of the appeal site allows views towards the scarp to remain largely unobstructed (apart from the lighting columns associated with the M20/A20).

- 7.11 At Year 1, the proposed warehouse building fills the majority of this open part of the view, and is seen to exceed both the extent and height of the nearest Woodcut Farm building. Smaller-scale structures and parked vehicles, notably HGVs, fill the remainder of the site between the warehouse and Woodcut Farm. From this viewpoint, the roofline of the warehouse is seen to come very close to the skyline of the downs. This gives rise to a cumulatively significant degree of obstruction, which is likely to increase once the final phase of Woodcut Farm is constructed (to the right of the existing building). As a result, the ability to appreciate the chalk scarp in its role as one of the special qualities of the AONB will be significantly reduced.
- 7.12 The appeal scheme clearly has a greater impact than the existing Woodcut Farm development. This is partly due to perspective, since the appeal scheme is located c200m closer to VP6 than Woodcut Farm. But it is also because the appeal scheme is 25% (3m) taller than the existing buildings, and (as seen from this angle) c60% wider.
- 7.13 As would be expected, the two supplementary views demonstrate that the impacts of both the appeal scheme and Woodcut Farm increase as one moves northwards along the PRow. From Viewpoint 6A, the appeal scheme breaches the skyline of the downs and substantially obstructs the view towards the scarp, whilst the Woodcut Farm buildings remain below the skyline. From Viewpoint 6B, the appeal scheme becomes dominant in the view, amounting to about double the height of the scarp, whilst the Woodcut Farm buildings also breach the skyline.

Viewpoint 12

- 7.14 Although the impact on views from the AONB is not referred to in Reason 2, this a material consideration in relation to the role of its setting. VP12 (in its amended form presented in the LVIA Addendum) shows a typical view from the chalk scarp in terms of its panoramic quality and the comparative absence of built development, which maintains the legibility of the landscape sequence within this part of the Weald.

- 7.15 Woodcut Farm is discernible, but not prominently so – although this may at least partly reflect the hazy conditions and absence of sunlight when the photo was taken.
- 7.16 The appeal scheme would be visible to the left of Woodcut Farm, with the façade and roof of the warehouse rising behind the tree cover associated with the M20. Whilst a cumulative increase in built development is perceptible, it is in my opinion insufficient – and seen at too great a distance – to amount to a fundamental change to the character of the view.

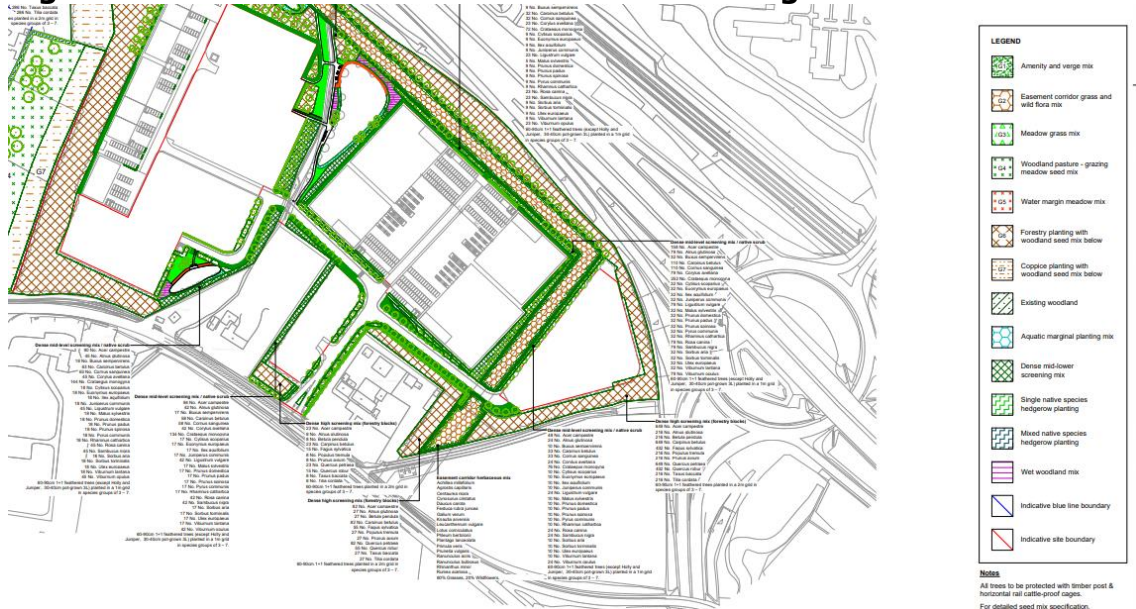
Effectiveness of Mitigation

- 7.17 As is conventional in LVIA, **LVIA Table 2** also reports the visual effects at Year 15, allowing for the growth of landscaping, as shown on **Figure 6.1**. The LVIA concludes that the mitigation would have a material effect on three views (1, 4 and 6), and that the degree of mitigation achieved would amount to a reduction of half an order of magnitude in the level of effect. This suggests that the mitigation would be of very limited effectiveness.
- 7.18 This is demonstrated by VP 6. The primary source of impact on this view would be the warehouse building, although the introduction of parked/moving vehicles and lighting would also be an influence. What is immediately (and surprisingly) obvious in the Y15 version of this view is the relative absence of mitigation.
- 7.19 This is partly due to the fact that the LVIA views were taken in winter (i.e. representing a worst-case scenario). In summer, the planting along the southern boundary of the site has the potential to provide a reasonable degree of screening of the lorry park and low-level features.
- 7.20 However, it would be unable to achieve meaningful screening of the warehouse. This partly reflects the restricted width of the planting (mainly 5-10m, up to a maximum of c17m). By comparison, a planting belt of consistently 20m width would be provided along the Musket Lane boundary of Woodcut Farm. This is shown in the Woodcut Farm planting plan⁹, shown

⁹ Lloydbore drwg ref: 55-1-LLB-ZZ-ZZ-DR-L-0001-revP03) [CD5.9]

in **Figure 7.1** below. In addition, the trees are simply of insufficient height to challenge the scale and massing of the building. As a result, more screening is in fact provided by the existing tree cover than by the proposed planting.

Figure 7.1: Extract from Woodcut Farm Planting Plan



7.21 A more effective use of tree planting would require, not only a greater width of planting, but also the use of bunding to provide immediate height. Both of these measures, however, would need substantially more land, which could not be provided within the current layout without a reduction in built footprint. Lastly, whilst the “green wall” treatment of the building (partly visible in LVIA VP6) is welcome, it cannot wholly disguise its angular and uniform roofline, which would continue to be perceived as a structure of significant scale.

7.22 The LVIA considers the proposed mitigation to be sufficient to reduce the impact on VP6 from Medium/High at Year 1 to Medium at Year 15. The visualizations do not demonstrate that this would be achieved. As a result, the degree of mitigation claimed for VPs 1 and 4 should probably also be questioned.

8. Effects on Landscape Features and Character

8.1 In this section, I assess the effects on the component features of the site, the site as a whole, and the other landscape receptors identified in Section 4, concluding with reference to the AONB and its setting.

Effects on Appeal Site

8.2 The LVIA considers the effects on the relevant landscape elements within the site to be Moderate adverse for landuse/cover and topography, and Moderate beneficial for trees/scrub/hedgerows. The LVIA does not separate the effect on the site from the effect on its local context, which it considers to be Moderate adverse.

8.3 I agree with the Moderate adverse effect on topography and the Moderate beneficial effect on vegetation (once established). However, I consider the loss of farmland to be Major adverse, in view of the proportion of the site it occupies, and its role in maintaining openness and countryside character. Reflecting this, I consider the overall effect on site character to be Major adverse, since the net impact of the development would be to remove the site from the countryside. Whilst the proposed landscaping would have a beneficial effect within the site, this would be insufficient to outweigh the physical and visual impacts of the development.

Effects on Character Areas and Designations

8.4 The surrounding character areas and designations would be affected both by the physical presence of the development (where it is located within them) and/or by its visual influence. In **Table 8.1** below, I set out the landscape receptors identified in Section 4, report the effects predicted in the LVIA, report my own assessment of effects, and comment on the material differences between us.

Table 8.1: Comparative Assessment of Landscape Effects

Receptor	Assessment		Comment
	LVIA	PR	
1. Appeal Site	Moderate adverse at Y1,	Major adverse at Y1, potentially	However, as my analysis of VP6 has demonstrated, the

	reduced by Y15 as planting matures.	becoming Moderate/Major adverse by Y15	visual effectiveness of the mitigation would be limited, and would be insufficient to outweigh the transformation in the character of the site.
2. White Heath Farmlands	Moderate adverse at Y1, becoming Minor-Moderate adverse at Y15	Moderate adverse at Y1/Y15	The development displaces one of the last remaining parcels of farmland N of the A20, and is perceived in effect as a significant extension of Woodcut Farm. I am not satisfied that the proposed landscaping will be sufficient to achieve a meaningful degree of mitigation.
3. Leeds Castle Parklands	Not reported in LVIA	Minor/Moderate adverse at Y1/15	Due to the loss of farmland and the perceived eastward extension of urban uses along the M20/A20 corridor. However, there is unlikely to be any material impact on the parklands themselves, due to minimal inter-visibility.
4. Leeds-Lenham Farmlands	Minor adverse at Y1, reducing (and become less adverse) by Y15	Minor/Moderate adverse at Y1/Y15	My Y1 effect reflects the loss of farmland and my categorisation of the area as of medium rather than low sensitivity. I do not consider that a meaningful degree of mitigation would be achieved by Y15.
5. Len Valley LLV	Not reported in LVIA	Moderate adverse at Y1/15	No physical change, but a perceptual impact due to the development intruding into the setting of this area (ref VP6). This effect would be localised, amounting to a low degree of change overall. In combination with a high level of sensitivity, this would amount to a Moderate adverse effect.
6. AONB Setting	Not reported in LVIA	Moderate/Major adverse effect at Y1/15	Combination of physical change and visual intrusion, with the latter potentially extending over a substantial proportion of the local setting of the AONB. I consider this to amount to a medium

			degree of change, which in combination with high sensitivity gives rise to a Moderate/Major effect.
7. AONB	Not reported in LVIA	Moderate adverse effect at Y1/15	Perceptual impact only, due to the cumulative introduction of development into views to/from the chalk scarp, amounting to medium and low degrees of change respectively. Reflecting the very high sensitivity of the AONB, the resulting effects are considered to be Moderate adverse.

8.5 In summary:

- I consider the effect on the appeal site to be Major adverse rather than Moderate adverse;
- I agree with the Moderate adverse effect on the White Heath Farmlands at Y1;
- I consider that the effect on the Leeds Castle Parklands (not reported in the LVIA) to also be Minor/Moderate adverse;
- I consider the effect on the Leeds-Lenham Farmlands to be Minor/Moderate rather than Minor adverse, due in particular to my assignment to it of medium rather than low sensitivity;
- I consider the effect on the Len Valley LLV (not reported in the LVIA), taking into account the perceptual nature of the impact, its spatial extent and the high sensitivity of the area, to be Moderate adverse;
- I consider the effects on the AONB setting and on the AONB itself to be Moderate/Major adverse and Moderate adverse respectively; and
- I believe the LVIA has over-estimated the effectiveness of the proposed mitigation.

Discussion of Effects on AONB/Setting

8.6 I wish to conclude this section with a few summary comments on the effects on the AONB and its setting. Whilst the effect on the AONB would only be perceptual (since the site is not located within it), the effect on its setting is both perceptual and physical (because the site lies within it). In both cases, the effects derive from:

- the intrinsic character and scale of the development (as an employment use);
- its location relative to the chalk scarp and its footslopes;
- its perceived impact on views to/from the scarp, and in particular its significant impact on the former;
- its location relative to the M20 corridor, particularly Woodcut Farm; and
- its potential to give rise to a cumulatively urbanising effect.

8.7 The effects on the AONB and its setting would be restricted to a comparatively small proportion of both, which is to be expected. It might thereby be argued that this necessarily reduces the significance of the effects. Whilst the spatial extent of effects is a material consideration, it should not be over-applied to the exclusion of other factors.

8.8 Neither AONBs nor their settings are perceived in their entirety. They are typically experienced as a sequence of local landscapes and views, which cumulatively contribute to the perception of the area, especially as seen by users of routes such as the North Downs Way. It is therefore most appropriate for the effects of a development such as the appeal scheme to be considered within a local frame of reference. At the same time, it is important to keep sight of the connections between this local context and the strategic purpose of AONB designation, as expressed through its special qualities.

8.9 The value of the North Downs AONB is derived both from these qualities, as identified in the Management Plan, and from how it relates to its

surroundings, especially visually - which is the key role played by its setting. It is notable that the AONB Designation Committee (1968) summarized their purpose as follows:

*"The scarp slope and dry valleys of the Kent Downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles."*¹⁰

- 8.10 The references to the scarp slope (twice) and to its associated woodlands – which can be appreciated in views from the lower-lying Gault Clay vale and Greensand Ridge to the south – together with the references to “views from the escarpment”, are key matters of relevance. So too is the ability to appreciate the following special qualities of the AONB in the immediate vicinity of the site: “dramatic landform and views”, “farmed landscape” and “geology”.¹¹ The policy implications of these considerations are reviewed in Section 9.

¹⁰ Extracted from the AONB Unit’s supplementary statement to the inquiry.

¹¹ <https://kentdowns.org.uk/about-us/special-characteristics/>

9. The RFR 2 Concerns and their Policy Implications

Introduction

- 9.1 In this section, I consider the relevance of the concerns raised in RfR2, and the implications of the identified effects for relevant policy. RfR2 makes reference to policies SP17(1) and (4) and DM20(ii) of the Maidstone Borough Local Plan 2017, policy SD8 of the Kent Downs AONB Management Plan and paragraphs 174(a) and (b) and 176 of the NPPF. As noted in Section 1, the reference to policy DM20(ii) should read DM30(ii), whilst the reference to NPPF 174(a) is also an error – the Council is not seeking to argue that the site, in itself, forms part of a valued landscape in NPPF terms.
- 9.2 I defer to Mr Timms as to the status of specific policies, the degree of weight that may be given to them, and the overall planning balance.

Matters raised in RfR2

- 9.3 As introduced in Section 1, the matters raised in RfR2 may be summarized as follows:
- The development would give rise to significant harm to the character and appearance of the local landscape and countryside;
 - Resulting from the coverage and scale of the development;
 - Together with its cumulative effect in combination with existing urbanising influences;
 - Its prominence in local views; and
 - Its significant adverse impact on the setting of the Kent Downs AONB;
 - As perceived in views towards the scarp from Old Mill Road.
- 9.4 My analysis has confirmed the validity of these concerns. Whilst there is a substantial degree of consensus between the LVIA and myself on the visual effects, and on some of the landscape effects, important areas of difference have emerged. Specifically, I consider the LVIA to have:

- over-stated the effectiveness of the mitigation achieved by the proposed landscaping;
- ignored the effect on the LLV;
- under-stated the severity of the inevitable change to site character; and
- under-stated the sensitivity of character and views in so far as they relate to the AONB and its setting.

Local Plan

9.5 Policy SP17: The Countryside, states that: “*1. Development proposals in the countryside will not be permitted unless they ... will not result in harm to the character and appearance of the area.*”

9.6 My analysis has confirmed that the appeal scheme would result in significant harm to the character and appearance of the site and the surrounding area, as perceived in a range of views. Such a conclusion is also confirmed by the LVIA, which finds that all residual effects would be adverse (despite references to the allegedly beneficial effects achieved by the proposed landscaping). The proposal therefore, on its face, conflicts with the policy.

9.7 Policy DM30: Design Principles in the Countryside, seeks to ensure that development within the countryside meets (amongst others) the following criteria:

- i. *The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; and*
- ii. *Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances.*

- 9.8 For the purposes of this policy test, I have assumed local distinctiveness to refer to the distinctive countryside character types/areas identified in the borough-wide LCA. A proposal of the type, design, mass and scale proposed, together with its associated level of activity, is a generic form of development that could be found pretty much anywhere in the country, and clearly would not enhance local distinctiveness.
- 9.9 Whilst some enhancement of landscape features would be achieved through the proposed landscaping, this would be insufficient to be perceived as a net benefit. The limited effectiveness of this planting is such that the impacts on landscape character and appearance cannot be considered to have been appropriately mitigated.

Kent Downs AONB Management Plan

- 9.10 Policy SD8, relating to Sustainable Development, sets out a requirement to: *Ensure proposals, projects and programmes do not negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the Kent Downs AONB.*
- 9.11 Whilst the development is not located within the AONB, it clearly does “negatively impact” on the setting and views to and from the Kent Downs AONB and has the potential to “negatively impact” on perceptions of the attributes cited in the policy. The development has a significant adverse impact on the setting of the AONB.

NPPF

- 9.12 Paragraph 174 states that “*Planning policies and decisions should contribute to and enhance the natural and local environment by:*
(b) recognising the intrinsic character and beauty of the countryside...”
- 9.13 It is widely acknowledged that “recognise” in this context implies a degree of protection (i.e. it is not an invitation to “recognise and ignore”). This was set

out in the judgment relating to the Cawrey case¹² (ref **Appendix C**) as follows:

"...it would be very odd indeed if the core principle at paragraph [17] of NPPF of "recognising the intrinsic beauty and character of the countryside" was to be taken as only applying to those areas with a designation. Undesignated areas – "ordinary countryside" as per Ouseley J in Stroud DC - may not justify the same level of protection, but NPPF, properly read, cannot be interpreted as removing it altogether."

- 9.14 This duty to proportionately protect clearly cannot be fulfilled by replacing the countryside altogether with built development - even where features such as vegetation may be retained and reinforced. The development is therefore considered to fail this test.
- 9.15 NPPF para 176 NPPF which states that *"The scale and extent of development within all these designated areas should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas"*.
- 9.16 My assessment demonstrates that the appeal scheme has not been "sensitively located and designed", and that the relative ineffectiveness of the proposed mitigation neither avoids nor minimises adverse impacts on the AONB.
- 9.17 In summary, the appeal scheme contravenes the relevant policy requirements for the protection of countryside, local character and distinctiveness at the district, AONB and national levels, and the Council was therefore in my view right to reject it.

¹² Cawrey Ltd v SSCLG and Hinckley and Bosworth BC, CO/5683/2015

10. Summary and Conclusion

- 10.1 The appeal site is c2.9ha in area and comprises a single arable field. It is bounded to the south by the A20, to the north-east by M20 Junction 8, and to the north-west by Musket Lane, beyond which lie the Woodcut Farm employment development and White Heath, a residential property.
- 10.2 The site is located within the M20/A20 corridor, the character of which is influenced by transport infrastructure and commercial land-uses, notably Woodcut Farm. However, the site's farmland character relates to that of the surrounding countryside, with which it is inter-visible, particularly to the south.
- 10.3 The site lies within the county-level Greensand Belt and Leeds-Lenham Farmlands character area; and the borough level Leeds Castle Parklands and White Heath Farmlands character areas. The farmland character of the site makes a positive contribution to these areas, helping to offset the impact of nearby development.
- 10.4 Whilst the site is not located within a designated landscape, it is common ground that it lies within the setting of the North Kent Downs AONB. In addition, the A20 forms the boundary of the Len Valley Landscape of Local Value (LLV). The openness of the site contributes to inter-visibility between these areas, and thereby to the overall legibility of the landscape.
- 10.5 It is also common ground that the site does not in itself amount to a "valued landscape" in the meaning of NPPF 174(a). Whilst I agree with the medium value attributed to the site in the LVIA, its relationship to the designated landscapes, particularly the AONB, indicates that much of the surrounding countryside is highly valued.
- 10.6 The appeal scheme proposes to introduce a warehouse building up to 15m high onto the eastern part of the site, amounting to c38% of its area. A service yard/parking area would be located to the west (a further 35%). Tree planting is proposed along the eastern and southern perimeters of the site by way of mitigation.

- 10.7 The immediate impact would be to displace the farmland character of the site and transform it into a perceived extension of Woodcut Farm. This would further consolidate the commercial uses within the A20/M20 corridor, reinforcing their urbanising effect on local character. Because of the site's contribution to this character, the resulting harm would extend to the published character areas.
- 10.8 The site is currently visible only at relatively close-range. However, the ZTVs within the LVIA indicate that the visual influence of the development could potentially extend into the AONB by up to c3-4km, and into the LLV by up to c1-1.5km. Woodcut Farm is visible in a substantial proportion (38%) of the LVIA views, and the development would definitely (or is likely to) be seen in association with it, potentially giving rise to cumulative effects.
- 10.9 The Council has specifically raised concerns about the development's impact on views towards the chalk scarp, which is one of the special qualities of the AONB. As demonstrated by the visualizations for VP6, the development would have substantially more impact than Woodcut Farm, obstructing a greater proportion of the scarp. From locations further along the PRoW, the development would break the skyline, becoming the dominant feature of the view. This is due in part to the fact that the warehouse would be materially taller (by 25%) than the tallest buildings at Woodcut Farm.
- 10.10 The LVIA version of VP6 also demonstrates that the proposed planting would be of very limited effectiveness in mitigating this impact. This reflects the constraints on achieving an adequate width of planting, together with its inability to screen the upper facade/roofline of the building, because of the latter's excessive height and mass.
- 10.11 Whilst these impacts are localised, they relate to a landscape setting and views of high/very high sensitivity, the protection of which is enshrined in national policy. I therefore agree with the Council's categorisation of the resulting harm as significant. If landscape and visual matters were the only consideration, I would respectfully request that this appeal be dismissed.