

Application Number	15/01522/AS	
Location	Buckman Green Farm, Romden Road, Smarden, Ashford, Kent, TN27 8QZ	
Grid Reference	88792/41613	
Parish Council	Smarden	
Ward	Weald North	
Application Description	Erection of detached single storey dwelling for agricultural worker	
Applicant	Mr H Batt, Buckman Green Farm, Romden Road, Smarden, Ashford, Kent, TN27 8QZ	
Agent	Mrs H Whitehead, Price Whitehead Chartered Surveyors and Planning Consultants, Forstal Farm, Appledore Road, Tenterden, Kent, TN30 7DF	
Site Area	0.1ha	
(a) 3/1S; 1+	(b) X	(c) KH&T - + EH(EP) - + RPL - R EA - X SW - + Open - X KCC Eco - X

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Councillor Dyer.

Site and Surroundings

2. The application site is a small field forming part of a 38ha working hop and arable farm (over half of which are hop gardens). A small scale turkey business also operates from the farm, with some 200-300 loose-housed turkeys reared for Christmas each year. The farm has been owned and operated by the applicant's family for more than a century. The only dwelling on the farm is Buckman Green Farm Bungalow, a Colt bungalow that was built in the early 1980s, where the applicant lives and will continue to when he

retires. This was permitted to meet the agricultural needs of the holding and is subject to an AOC. The Grade II listed Buckman Green Farmhouse originally served the farm, but this was sold off in 1992 and remains in separate ownership.

3. The site is located in the countryside within the Beult Valley Wooded Farmlands Low Weald Landscape Character Area, the key characteristics of which are intensive arable land use, small area of hop production, lack of built development and roads and scattered traditional buildings along peripheral lanes. The condition and sensitivity of the landscape are good and high respectively and the guidelines for this area are to conserve the undeveloped character of the landscape and resist further development. The site also falls within Floodzones 2 and 3.
4. A site location plan is attached as an annex to this report

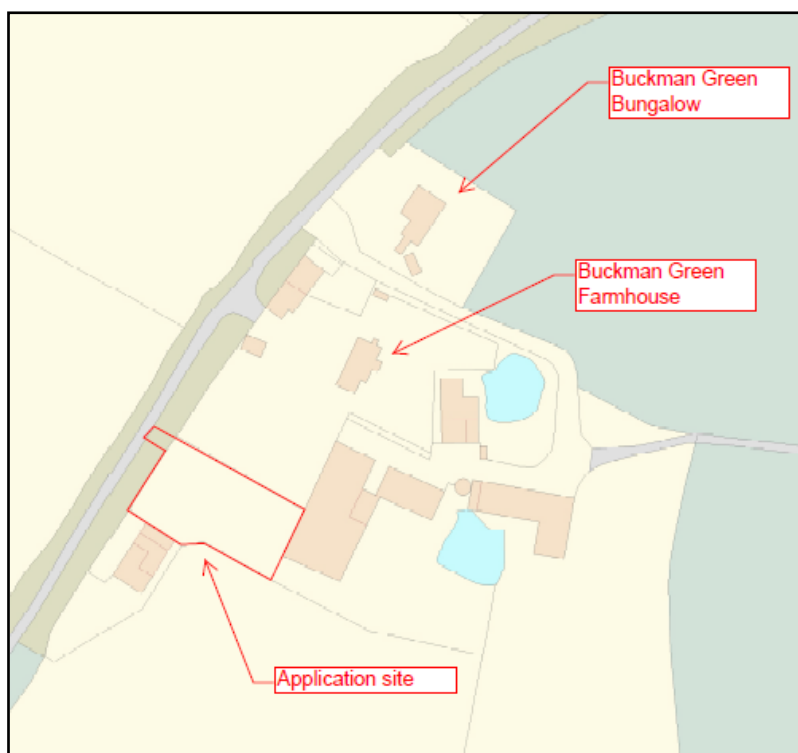


Figure 1: Site plan

Proposal

5. Full planning permission is sought for the erection of a detached single storey dwelling for an agricultural worker. The proposed dwelling would be occupied by the applicant's son, who is looking to take over the running of the farm so his father can retire and remain in Buckman Green Bungalow.
6. The dwelling would be constructed of a brick plinth wall with timber cladding above beneath a plain tiled roof, with painted/stained timber windows and

doors. The accommodation includes a hall, WC, sitting room, kitchen/diner, three bedrooms and a bathroom.

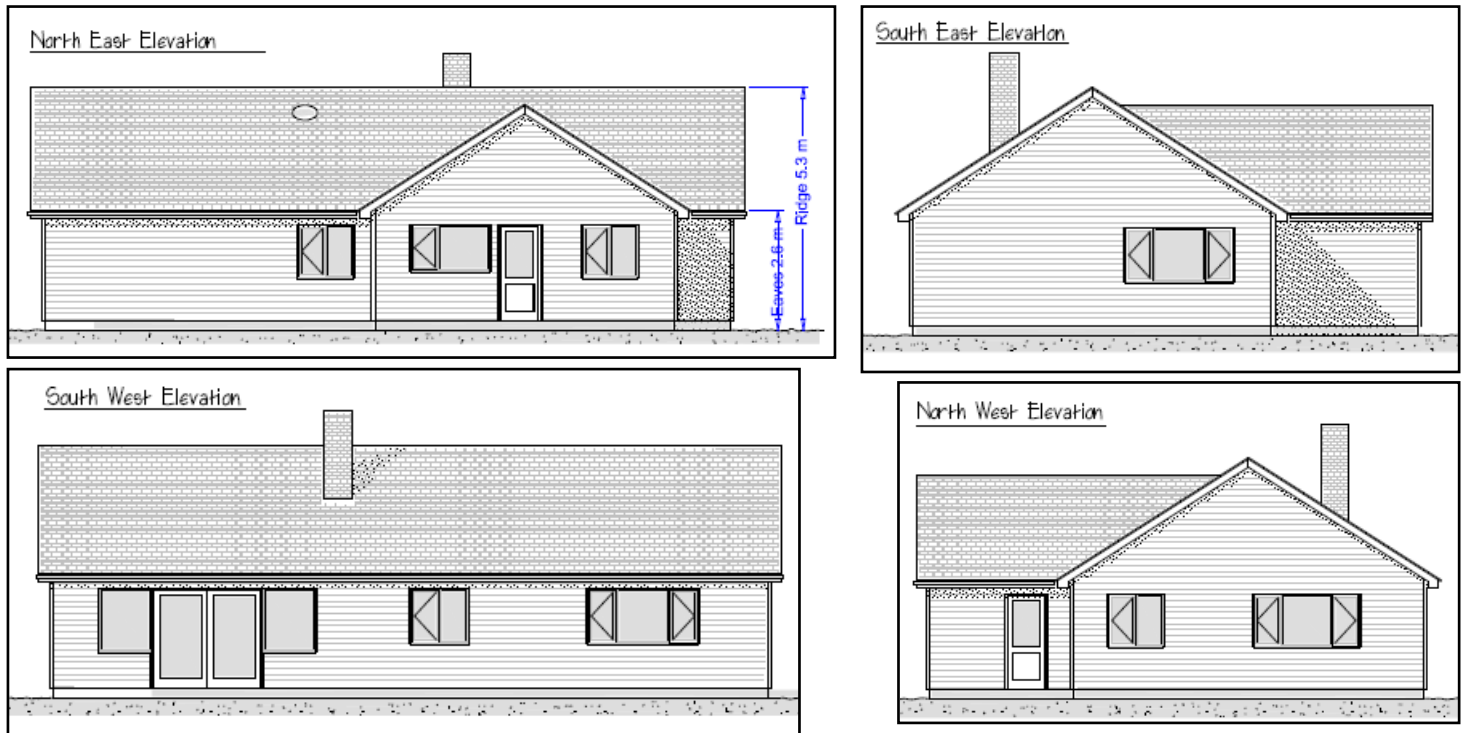


Figure 2: Proposed elevations

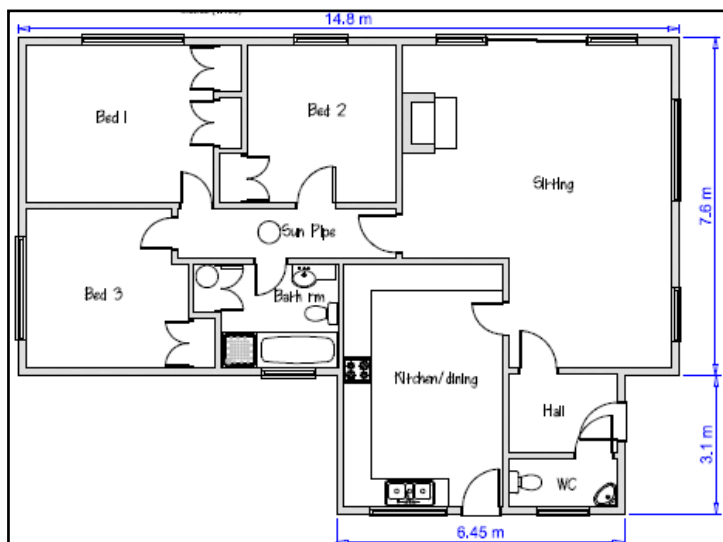


Figure 3: Proposed floor plans

7. Access to the site would be via an existing farm access, leading to a gravel parking/turning area in front of the dwelling. The native hedgerow bounding the site would be retained (with any gaps infilled) and a timber gate and fence would be erected along the rear boundary to access to the agricultural buildings behind.

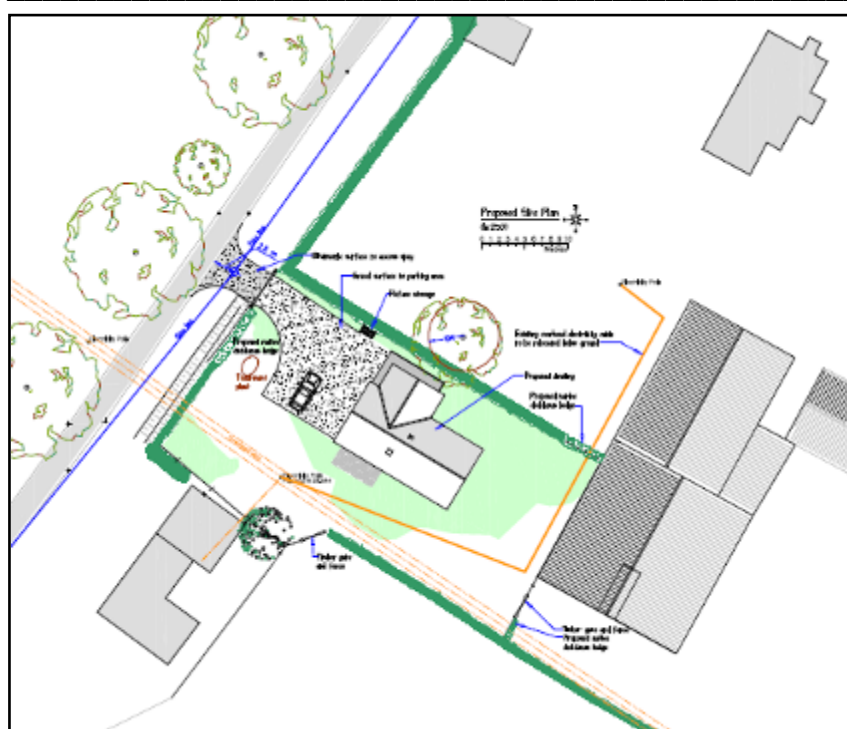


Figure 4: Proposed block plan

8. In support of the application, the agent makes the following comments:
- the level of work required for the applicant's son to take on the farm management requires him to permanently live on the farm to ensure efficient and timely crop husbandry (hops and cereals), provide security and animal welfare (turkeys) and carry out other duties including administration, marketing and sale of crops and produce;
 - the proposed dwelling would also provide temporary accommodation for seasonal operatives;
 - it would be unreasonable to expect the applicant to retain responsibility over farm security when he is to retire;
 - hops are a high cost input crop, with the farm investing heavily in ensuring that the hop varieties and stock types grown meet new and growing market demands, and the hop gardens require year round management, for example:
 - constant and close monitoring of hop gardens;
 - maintenance of wirework, pole replacement and stringing;
 - timely and appropriate spray application; and,

- 24 hour monitoring and management of harvesting process (involving picking, drying and processing)
- the drying of hops is the most critical element of the harvest process and cannot be fulfilled unless someone is on site at all times;
- the cereals need to be cultivated, managed and harvested alongside the hops;
- the applicant's son living on site is essential to the on-going functioning of the turkey business, which involves feeding, bedding, watering, health check of birds and hanging, and it is intended to re-establish this to a larger scale;
- 24 hour security from theft and intrusion is required;
- the new permitted development rights to convert agricultural buildings to dwellings have been considered, however the existing farm buildings are fully utilised and the space lost would need to be replaced and this is costly;
- the farm is a viable and successful business, as demonstrated by the business plan and farm's financial accounts provided;
- the proposed dwelling would not be isolated in terms of paragraph 55 of the NPPF as it would be sited within a small gap between existing dwellings within a hamlet and it can be considered as an exception site for local needs housing;
- the landscape impact of the proposed dwelling would be minimal due to its modest size, height and materials and the site is well screened by natural vegetation;
- the nearest dwellings currently on sale on the open market are well away from the farm and are costly;
- there would be a good level of separation between dwellings;
- the development would not impact on protected species;
- the proposed dwelling would meet residential space standards;
- there has been no incidence of flooding on the site for more than a century; and,

- an existing access would be used and the scheme makes sufficient parking and turning space off-road.
9. Along with a Business Plan and farm's financial accounts for the last 5 years, letters from neighbours and 'experts' in hop growing and production have also been submitted in support of the application, which claim that the farm enterprise requires a full time manager to live on the site.
10. During the course of the application, an Extended Phase 1 Habitat Survey and Habitat Suitability Index Assessment was carried out and found the following:
- the site offers sub-optimal foraging and commuting habitat as it is subject to regular management, but the surrounding hedgerows provide suitable commuting habitat and shelter for great crested newts and reptiles and a single spoil heap in the north western corner of the site offers good refugia for these;
 - no suitable features for roosting bats and limited foraging habitat for bats were noted;
 - no evidence of badger activity and sub-optimal habitat for badgers were noted;
 - the habitats within the site are considered unsuitable to support dormice;
 - the site is not considered suitable for water voles or otters;
 - the boundary hedgerows with trees provide excellent nesting habitat for common and widespread birds;
 - the site is unlikely to be of significant value to invertebrates; and,
 - whilst no evidence was identified during the survey, the grassland and hedgerows provide suitable foraging and commuting habitat for hedgehogs

and makes the following recommendations:

- the cutting of the grass on site to a specific height and in a certain direction using hand tools only;
- after this, the site should be left for 5-10 days and then dismantling the spoil pile carefully by hand under the supervision of an ecologist;

- enclose the site using amphibian exclusion fencing during the construction phase of the development;
- the above works being carried out during the active period of April-November in any given year;
- the enhancement of water body P1 for its suitability to support great crested newts, to compensate for the loss of the spoil pile, including the de-silting and re-profiling of the existing bed, the planting of aquatic vegetation, the creation of two hibernacula (refuges) in close proximity (to be carried out under the supervision of an ecologist during the period of December to February in any given year); and,
- the incorporation of biodiversity enhancements within the development, including the installation of bird boxes and the incorporation of a wildlife friendly planting scheme of benefit to invertebrates and subsequently birds and bats.

Planning History

11. **14/01454/AS:** planning application withdrawn for 'Change of use of land for the stationing of a caravan for residential use by an agricultural worker'. The application was originally for a dwelling, however the log cabin proposed was found to involve a change of use of land rather than a building. The agent agreed to this change in description but subsequently withdrew the application following officer's concerns with the justification for a permanent residential presence on site.

Consultations

Ward Members: The Ward Member is not a member of the Planning Committee and supports the application on the following grounds:

- several experts in the hop-growing industry have refuted the views of Rural Planning Ltd., the Council's Agricultural Consultant;
- Smarden Parish Council is supportive of the application and is appalled by the suggestion of amending the development to a caravan – it is precisely such residential development they do not wish to proliferate in the village;
- the suggestion that the applicant's son find accommodation in the locality is unrealistic and unhelpful – he wishes to put his resources into the farm and there is a need for him to live there; and,

- the applicant may not in the future be able to provide security or ensure the wellbeing of hops or turkeys and he wishes to retire and continue to live in the existing bungalow.

Smarden Parish Council: raise no objection as the development has overcome their previous objection to a mobile home on the site and comment that the applicant is a well know farming family in Smarden and they would like to see the farm flourish and continue in the future for generations to come.

Rural Planning Ltd.: object to the application, making the following comments:

'In summary, for the reasons previously explained, I remain unconvinced that the hop gardens, and the existing turkey enterprise, essentially require a new permanent residence, year round, on the farm itself. I have referred to other existing local accommodation being potentially available for Mr Mark Batt, and it has not been demonstrated that such accommodation would not be affordable for the farm business (and in any event having a more affordable dwelling is not generally seen in itself as a valid Planning argument in support of new agricultural dwellings).

I have pointed out that the farm already has an agricultural dwelling, and notwithstanding Mr Howard Batt's perfectly understandable wish to gradually retire from actively running the business, and dealing with the more physical tasks, it has not been demonstrated that his occupation of the bungalow could not continue to provide, for the foreseeable future, some general security and monitoring over the premises, out of normal working hours, bearing in mind that he will be retaining an interest in the farm, at the very least in terms of seeing that his son succeeds with taking over the family business.

The further significant expansion of the turkey enterprise, as now described, could add to the case for an additional on-site residence, however this has yet to be successfully introduced, and in those circumstances, the most that would normally be considered, in my experience, is some form of temporary accommodation, at least until the new or expanded venture had been well established for a period of at least 3 years.

Indeed it was previously mooted whether the moveable log cabin proposed under the last application could be considered on a temporary basis, subject to conditions requiring its removal after a given period, or under particular circumstances. The sort of business plan for expansion of the turkey enterprise, as now submitted, might have been seen as an additional support for that form of temporary approach. However, that solution would be ruled out by the nature of the current application, which (for no clearly convincing reason, as far as I can see) now takes the form of a permanently constructed dwelling rather than a removable log cabin (of similar size)'.

KCC Highways and Transportation: comment that the proposal does not meet the criteria to warrant involvement from the Highway Authority.

Neighbours: 2 representations received, 1 supporting the application on the grounds of building a Colt timber frame bungalow and one commenting that the site is very close to the Headcorn Aerodrome and within the area covered by the safeguarding map, where certain noise connected with the aviation activity would be apparent.

Environmental Health: comment that in the event of planning permission being granted, a condition requiring details of the disposal of sewage should be attached.

Environment Agency: raise no objection subject to a condition requiring details of the finished floor level.

KCC Ecology: following the carrying out of an ecological scoping survey, raise no objection.

Open Spaces: raise no objection, subject to a unilateral undertaking being completed securing financial contributions towards specific public open space projects in the parish.

Planning Policy

12. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013.
13. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

EN31 – Important habitats

RE12 – Annexes to agricultural dwellings for retired or semi-retired farmers

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS9 – Design Quality

CS11 – Biodiversity and Geological Conservation

CS18 – Meeting the Community's Needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS2 – New residential development elsewhere

TRS17 – Landscape character and design

TRS19 – Infrastructure provision to serve the needs of new developments

14. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Public Green Spaces & Water Environment SPD 2012

Dark Skies SPD 2014

Village Design Statements

Smarden VDS (2008)

Government Advice

National Planning Policy Framework 2012

15. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Assessment

16. The main issues for consideration are:
- (a) Principle;
 - (b) Visual Amenity;
 - (c) Residential Amenity;
 - (d) Parking and Highway Safety;
 - (e) Other issues ie. ecology and flooding; and
 - (f) Whether planning obligations are necessary.

Principle

17. Development Plan policy seeks in principle to protect the countryside from unnecessary and inappropriate development and therefore new dwellings in the countryside are only appropriate in very limited circumstances. These exceptions to the general rule of restraining residential development are listed in policy TRS2 of the Tenterden and Rural Sites DPD, one being an agricultural workers dwelling. This is endorsed by central government guidance contained in paragraph 55 of the NPPF, which states that new isolated homes in the countryside should be avoided unless one of the listed exceptions can be demonstrated, one being the essential need for a rural worker to live permanently at or near their place of work. However, the key test is whether there is an essential need demonstrated for the proposed dwelling, as opposed to it being desirable.
18. Annex A of PPS7 set out a tried and tested methodology for assessing if there is an essential need for an agricultural worker's dwelling on a holding. Whilst this has been superseded by the NPPF, there is nothing to suggest that the NPPF, albeit in summarised form, promotes any significant departure from the sort of financial considerations that are set out in detail in Annex A. Indeed, the tests set out in Annex A are still used by the Planning Inspectorate when assessing what constitutes an essential agricultural need. I therefore consider the following tests set out in Annex A to be an appropriate starting point to establishing whether an essential need exists in this case:
- a) there is a clearly established existing functional need;**
19. A functional test is necessary in this case to establish whether it is essential for the functioning of the farm for the applicant's son to be living on the site. Examples of essential needs relate to animals or agricultural processes

- requiring essential care at short notice and emergencies that could cause serious loss of crops or products.
20. Whilst the farm clearly requires good and dedicated management and having a responsible person living on site would be convenient, I do not consider there to be any critical husbandry factors that essentially require the applicant's son to be resident on the farm permanently, as opposed to elsewhere in the local area.
21. It is not uncommon for hop gardens to be sited and managed several miles from a farmer's residence. The operational tasks associated with cereal and hop growing are all routine tasks that can be undertaken during the normal farm working day and if they require an early morning start, they can be arranged and planned by someone travelling to the farm. Emphasis is placed on the overnight activity of the hop drying process, but this is only a short term seasonal activity – if close attention is required to guard against potential fire and ensure that drying and conditioning takes place correctly, an associated staff facility could be provided by some form of temporary accommodation. In addition, growing crops are closely monitored by walking the crop in the daytime and where spraying, for example, is identified as necessary and suitable conditions are not possible except out of the farm's normal working hours, it should be possible to arrange the work by travelling to the site from other local accommodation. Hop garden bines are cut down before winter and so any winter storm damage to wirework would not affect a growing crop. Also, any storm damage to wirework would not necessarily be identifiable overnight to any resident at the farm and even if it were, I do not agree that it must or could be repaired overnight rather than in daylight.
22. In addition, most managerial tasks would be organised throughout the typical farm working day, when a manager would be expected to generally be available at the farm. The issue of security is also referred to, however this alone is not regarded as sufficient grounds for a permanent dwelling on the site. The applicant would remain in Buckman Green Bungalow during his retirement and whilst he understandably wishes to take a step back from actively running the farm and dealing with physical tasks, he would still have an interest in it in terms of seeing his son taking over the business successfully and in this respect, could provide general security and monitoring over the farm. In terms of the turkey business, this is at a small scale and not yet fully established.
23. Given the above, it could be argued at present that in the main there is not essential/functional need for a 24 hour on-site presence all year round. Despite this, there is already a dwelling serving the farm in which the applicant resides and this currently meets an essential on-site requirement. As such, an additional dwelling for the applicant's son, whilst bringing many benefits, is clearly at this stage desirable rather than essential. I find it difficult

to accept in principle that a further dwelling on the site rather than travelling from a nearby village is essential to cover any planned late or early hours working arrangements for the farm. I do not therefore consider there to be an essential functional requirement for a permanent dwelling on site in relation to the hop side of the farming enterprise.

24. Notwithstanding the above, policy RE12 of the Local Plan deals exactly with the issues the applicant faces – it states that where a farmer in retirement or semi-retirement wishes to continue living in an existing dwelling on the farm, a small annexe may be permitted in exceptional circumstances where:
- a. there is no suitable or potentially suitable property within the farm holding;
 - b. it is demonstrated that an annexe can be built without seriously affecting the character of the farmhouse, other buildings close by or views of the local area; and,
 - c. the annexe is designed to be of a modest scale and physically integrated into the existing dwelling as ancillary residential accommodation.
25. No evidence has been submitted as to why the existing bungalow cannot be extended to provide an annexe to meet the applicant's needs in accordance with this policy.
26. The applicant refers to a significant expansion of the turkey business is proposed, increasing the number to some 1000 birds raised from 4 week old poults and rising to 2000 raised from a day-old onwards by year 4. I am sympathetic to the requirement for an on-site presence in relation to this and I have suggested to the agent prior to this Planning Committee meeting an alternative of temporary accommodation being provided initially on the site. This accords with the advice contained in Annex A of PPS7, which states that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally for the first 3 years be provided by temporary accommodation. This allows the business to establish itself and achieve a sufficient level of profit for viability to justify a permanent dwelling on the site. It also avoids in the event of the business failing a permanent dwelling in the countryside (in contrast to temporary accommodation, which can easily be removed from a site). This is standard practice and has been adopted on other farms in the parish, for example the Eggscentricity Ranch on Pluckley Road, Ritoweg Farm on Headcorn Road and Canal Farm on Shenley Road. After 3 years, there may be scope to replace the temporary accommodation with a permanent dwelling if the turkey business is profitable and financially sound and the applicant could apply for this in the future. This would go some way to allaying the Parish Council's concerns regarding the provision of more mobile homes in the parish as it would be a temporary solution only. However, the applicant

wishes to proceed with the application on the basis of a permanent dwelling and I therefore consider the application to be premature at this time for the reasons given above.

b) the need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement;

27. The dwelling would be occupied by the applicant's son, who is currently employed full-time as a senior manager for the agricultural chemical company Oro-Agri but also works on the farm as a self-employed contractor. It has been confirmed that the applicant's son would terminate his outside employment to take over management of the farm from his father.

c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

28. The farm's financial accounts submitted indicate the farm to be profitable and sustainable over the last 5 years.

d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by other workers concerned; and,

29. Buckman Green Farmhouse originally served the farm, but this was sold off. The other dwelling, Buckman Green Bungalow, is occupied by the applicant, who will remain there during his retirement.

30. The agent claims that there is a lack of alternative dwellings in the area that are affordable (it is suggested that the farm would have to spend in excess of £40k) and close enough to the farm and some evidence of dwellings for sale on the open market has been provided. It is not clear what criteria the agent has applied to this search, however given the farm's profits over the last 5 years, it would appear that there are a number of 3 bedroom dwellings available within the £200-400k range within a few miles radius of the farm that would be suitable to accommodate the applicant's son. Furthermore, policy RE12 seeks to deal with the issue of retirement and as stated previously, no evidence has been submitted as to why the existing bungalow cannot be extended to provide an annexe to meet the applicant's needs.

e) other planning requirements eg. in relation to access or impact on the countryside are satisfied.

31. See below.
32. As an aside, the agent comments that the proposed dwelling should not be considered isolated in terms of paragraph 55 of the NPPF and therefore should be considered as an exceptional circumstance under this and policy TRS2 of the Tenterden and Rural Sites DPD as it would be sited within a small gap between existing dwellings within a hamlet. However, this group of dwellings is not a named settlement considered in policy TRS1 of the Tenterden and Rural Sites DPD as able to support new dwellings and it is isolated in terms of its distance from local services and facilities. The agent also refers to the application fulfilling a local need under policy TRS4 of the Tenterden and Rural Sites DPD, however, the proposed dwelling is being sought on the basis of the needs of the farm and is not therefore representative of needs of the parish. I therefore consider this to add no weight to the applicant's case.

Visual Amenity

33. It is necessary to assess, having regard to Annex A of PPS7, whether the proposed dwelling is "*of a size commensurate with the established functional requirement*", not unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to the income that the unit can sustain in the long term.
34. The issue of whether the proposed dwelling is of an appropriate size only becomes relevant if the farming enterprise is shown to be well-established and financially sound, as well as there being a functional need to reside on the site. As previously outlined, the proposal does not meet the functional need test as set out in Annex A of PPS7. Notwithstanding this, if an essential need had been demonstrated, then the floor area of the proposed dwelling falls within the typical range for agricultural worker's dwellings and is not unreasonable in terms of functionality. In addition, its design and scale is acceptable in visual terms, in keeping with the bungalows within the vicinity of the site. However as no essential need has been demonstrated, the proposed dwelling would represent an unnecessary, sporadic and visually harmful form of development, domesticating the appearance of the countryside to the detriment of its character.

Residential Amenity

35. Given its small scale and distance from/relationship with neighbouring dwellings, the development would not be harmful to the residential amenity of neighbours.

36. In terms of the residential amenity of future occupiers of the proposed dwellings, the internal accommodation and external amenity space comply respectively with the national and Council residential space standards and would not therefore be harmful to their residential amenity.

Parking and Highway Safety

37. Access to the site would be via an existing farm access and the scheme makes sufficient provision of off-road parking and turning. Given this, the development would not be harmful to highway safety.

Other Issues

Ecology

38. KCC Ecology advised that the biggest ecological constraint for consideration is the likely presence of great crested newts as there are a number of ponds in the area that have good connectivity with the site and the suitability of these ponds for this protected species. During the course of the application, an Extended Phase 1 Habitat Survey and Habitat Suitability Index Assessment was carried out and found the site to offer sub-optimal foraging and commuting habitat as it is subject to regular management. However, it identified the surrounding hedgerows as providing suitable commuting habitat and shelter for great crested newts and reptiles and a single spoil heap in the north western corner of the site offering good refugia for these. The report makes a number of recommendations, including:
- the cutting of grass on the site using hand tools only;
 - the dismantling the spoil pile carefully by hand under the supervision of an ecologist;
 - the enclosure of the site using amphibian exclusion fencing during the construction phase of the development;
 - the enhancement of water body P1 for its suitability to support great crested newts, to compensate for the loss of the spoil pile; and,
 - the incorporation of biodiversity enhancements within the development.
39. KCC Ecology agree that other than the spoil heap, there is no suitable habitat within the site to be used hibernating or foraging great crested newts and that the recommendations of the report would maintain the favourable conservation status of European Protected species in accordance with to the Habitats Directive, Regulation 9(5) of the Conservation of Habitats & Species Regulations 2010 and Schedule 5 of the Wildlife and Countryside Act 1981

(as amended). Biodiversity enhancements are also recommended as part of the development and these can also be controlled by condition. I am therefore satisfied that the development would not be harmful to protected species.

Flooding

40. The site falls within Floodzones 2 and 3. A flood risk assessment has been carried out, which found the site to be at low risk of flooding but suggested that the floor level be set at a certain height above the adopted flood level. The Environmental Agency raise no objection, subject to details of the finished floor level. Given this, the development is unlikely to increase flood risk.

Planning Obligations

41. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
42. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p><u>Outdoor Sports Pitches</u></p> <p>Contribution towards the new pavilion on Minnis Field, The Street, Smarden</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>On completion of the obligation / upon first occupation of the dwelling</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintenance period is limited to 10 years.
2.	<p><u>Children’s and young people’s play space</u></p> <p>Contribution towards improving land drainage in front of kicking wall next to the new pavilion on Minnis Field, The Street, Smarden</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>On completion of the obligation / upon first occupation of the dwelling</p>	<p>Necessary as children’s and young people’s play space is required in this parish to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space in this parish and the play space to be provided would be available to them.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
3.	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£100 one off payment only</p>	<p>On completion of the obligation / upon first occupation of the dwelling</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

43. However, a unilateral undertaking securing the above obligations has not been completed and the failure to do so renders the development unacceptable.

Human Rights Issues

44. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendations below represent an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

45. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

46. The Planning Committee should make decisions on planning applications in accordance with the Development Plan unless there are material planning reasons that outweigh it.
47. As explained above, new dwellings in the countryside are only appropriate in very limited circumstances, one being the essential need for a rural worker to live permanently at or near their place of work - the key test is therefore whether there is an essential need demonstrated for the proposed dwelling, as opposed to it being desirable.
48. In this instance, whilst the farm clearly requires good and dedicated management and having a responsible person living on site would be convenient, I do not consider there to be any critical husbandry factors that essentially require the applicant’s son to be resident on the farm permanently, as opposed to elsewhere in the local area for the reasons given above. There is already a dwelling serving the farm in which the applicant resides and this currently meets an essential on-site requirement - whilst an additional dwelling for the applicant’s son would bring many benefits, it is clear at this stage that these are desirable rather than essential. In addition, the farm’s profits suggest that there are a number of affordable 3 bedroom dwellings available within a few miles radius of the farm that would be suitable to accommodate the applicant’s son. Furthermore, no evidence has been submitted as to why

the existing bungalow cannot be extended to provide an annexe to meet the applicant's needs.

49. The applicant refers to a significant expansion of the turkey business in the future – an on-site presence in relation to this may be acceptable and it was suggested to the agent prior to this Planning Committee meeting that an alternative of temporary accommodation should be provided initially on the site. This is standard practice and has been adopted on other farms in the parish and after 3 years, there may be scope to replace the temporary accommodation with a permanent dwelling if the turkey business is profitable and financially sound. This would go some way to allaying the Parish Council's concerns regarding the provision of more mobile homes in the parish as it would be a temporary solution only. However, the applicant wishes to proceed with the application on the basis of a permanent dwelling.
50. Given the above, the proposed dwelling would represent an unnecessary, sporadic and visually harmful form of development, domesticating the appearance of the countryside to the detriment of its character.
51. For this reason, I therefore recommend the scheme for refusal. In reaching this decision, considerable weight has been given to the development plan and the NPPF.

Recommendation

Refuse on the following grounds:

The proposed development would be contrary to policies GP12 and EN31 of the Ashford Borough Local Plan (2000), policies CS1 and CS18 of the Local Development Framework Core Strategy (July 2008), policies TRS2, TRS17 and TRS18 of the Tenterden and Rural Sites Development Plan Document (2010), the Council's Public Green Spaces and Water Environment (July 2012) and Landscape Character (April 2011) Supplementary Planning Documents and to Government guidance contained in the National Planning Policy Framework and is therefore considered development harmful to interests of acknowledged planning importance for the following reasons:

1. The essential need for the proposed dwelling, in terms of the agricultural worker needing to live permanently at their family's farm in the countryside, has not been demonstrated, therefore the development does not meet the essential test set out in paragraph 55 of the National Planning Policy Framework. As a result, the proposed dwelling would give rise to an unnecessary, sporadic and visually harmful form of development in the countryside, detrimental to its character and appearance.

2. The necessary planning obligation in respect of:

- a. outdoor sports pitches
- b. children's and young people's play space
- c. monitoring fee

has not been entered into so that the proposed development is unacceptable by virtue of failing to mitigate its impact.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 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 and provided the opportunity to amend the application or provide further justification in support of it.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/01522/AS.

Contact Officer: Stephanie Andrews

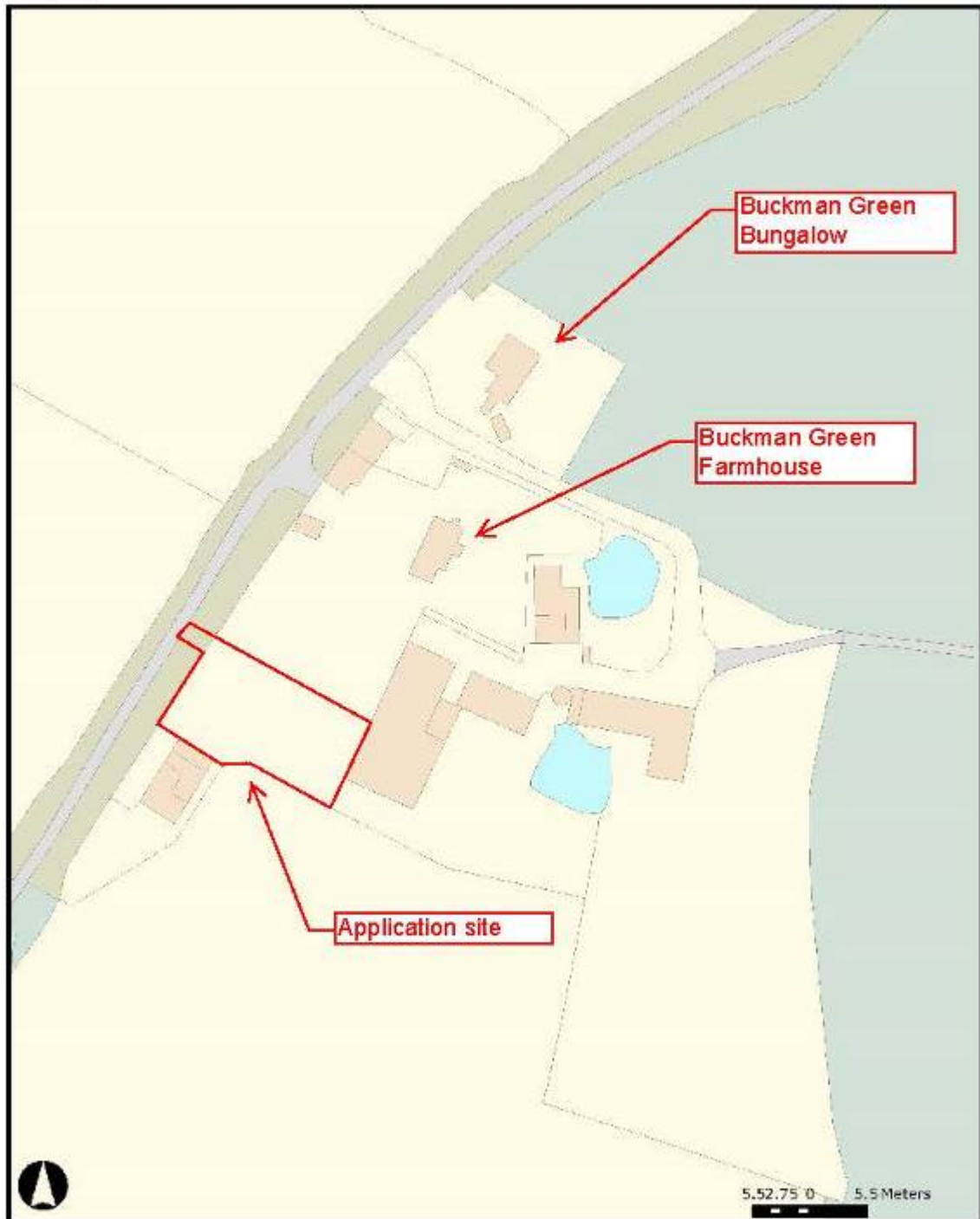
Telephone: (01233) 330669

Email: stephanie.andrews@ashford.gov.uk

Annex 1a



Ashford Borough Council



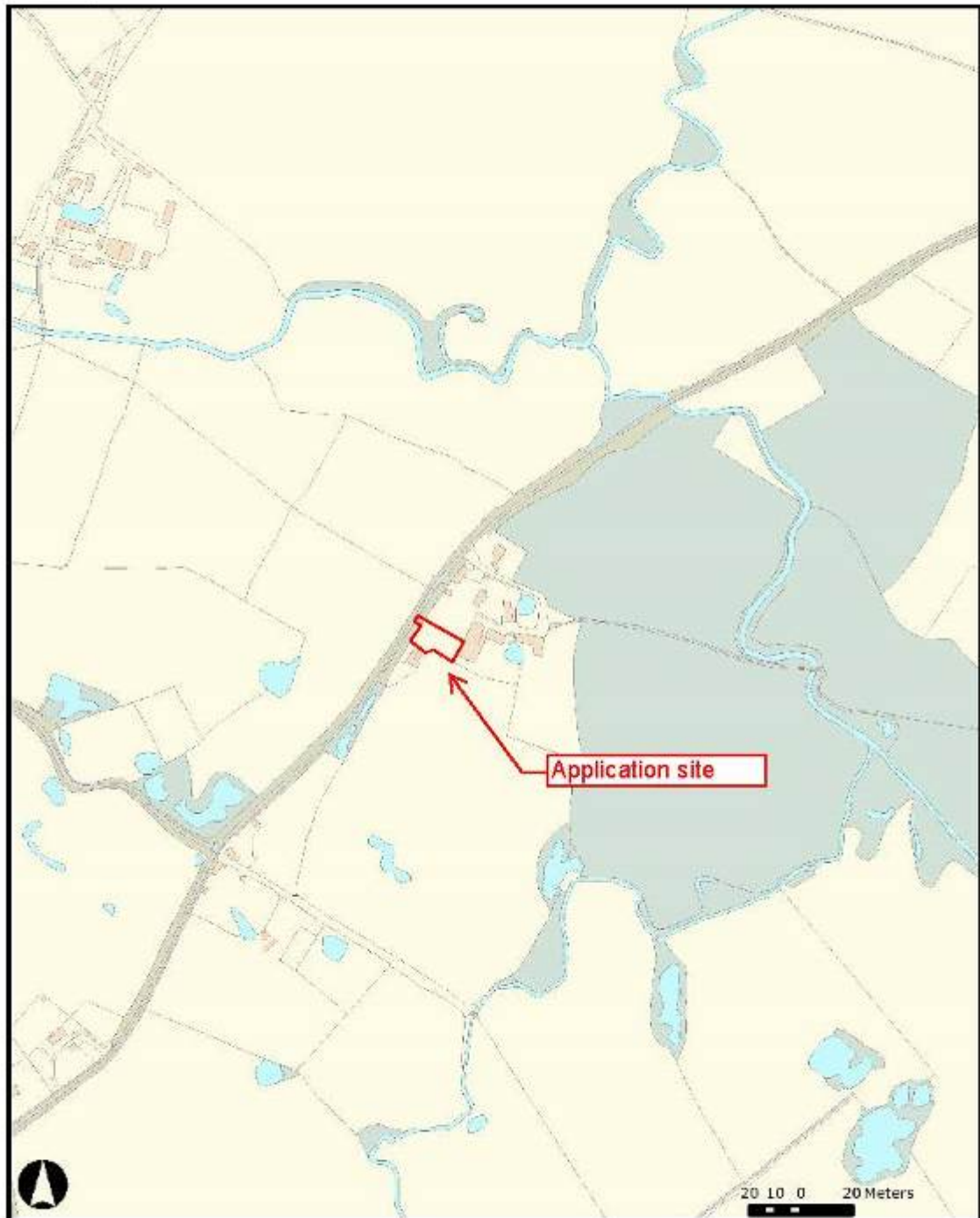
All rights reserved. Licence Number 100024427

This product includes mapping data from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. All rights reserved.

Annex 1b



Ashford Borough Council



All rights reserved. Licence Number 100026027
This product includes mapping data from
Ordnance Survey with the permission of the
Controller of Her Majesty's Stationery Office
© Crown Copyright
All rights reserved