

Application Number	15/01677/AS	
Location	Hillside Lime Works, Pilgrims Way, Brabourne, Kent	
Grid Reference	610325 /142327	
Parish Council	Brabourne	
Ward	Saxon Shore	
Application Description	Demolition of existing agricultural buildings and erection of new single storey building to comprise new dwelling with associated garden and parking	
Applicant	Mr R Wood c/o agent	
Agent	Mrs J Scott, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford TN24 0HB	
Site Area	00.10ha	
(a) 3/ 1R 1+	(b) Brabourne X	(c) ESM X, KCC Ecology X

Introduction

1. This application is reported to the Planning Committee at the request of one of the Ward Members, Cllr. William Howard

Site and Surroundings

2. The application site is fall outside the built confines of Brabourne Lees. Located in the countryside, the site lies within the North Kent Downs Area of Outstanding Natural Beauty to the north of Pilgrims Way.
3. The site was originally part of a chalk quarry used for the extraction of chalk and the manufacture of lime. Extraction has not taken place since approximately 1990 and the quarry is now classed as being dormant.
4. There are two redundant run down semi derelict buildings on the site. The existing buildings are set back from the road by approximately 16 metres and are accessed from Pilgrims Way via an existing access to the east of the site. The buildings are single storey and are of a modest scale and form. They are not prominent or incongruous in the wider landscape given local topography and nearby mature vegetation.

5. The application site measures approximately 972m² in area and forms part of a larger land holding of approximately 3 hectares which surrounds the site and includes the chalk pit.
6. The site is identified as a former landfill site.



Figure 1: Site Location

7. A site location plan is attached as an annex to this report.

Proposal

8. The application is for full planning permission for the demolition of the existing agricultural buildings and erection of new single storey dwelling with associated garden and parking. The dwelling would be constructed from black weatherboarding and set under a shallow pitched slate roof. Access to the dwelling would be via the existing access and off road parking for at least 2 cars provided.

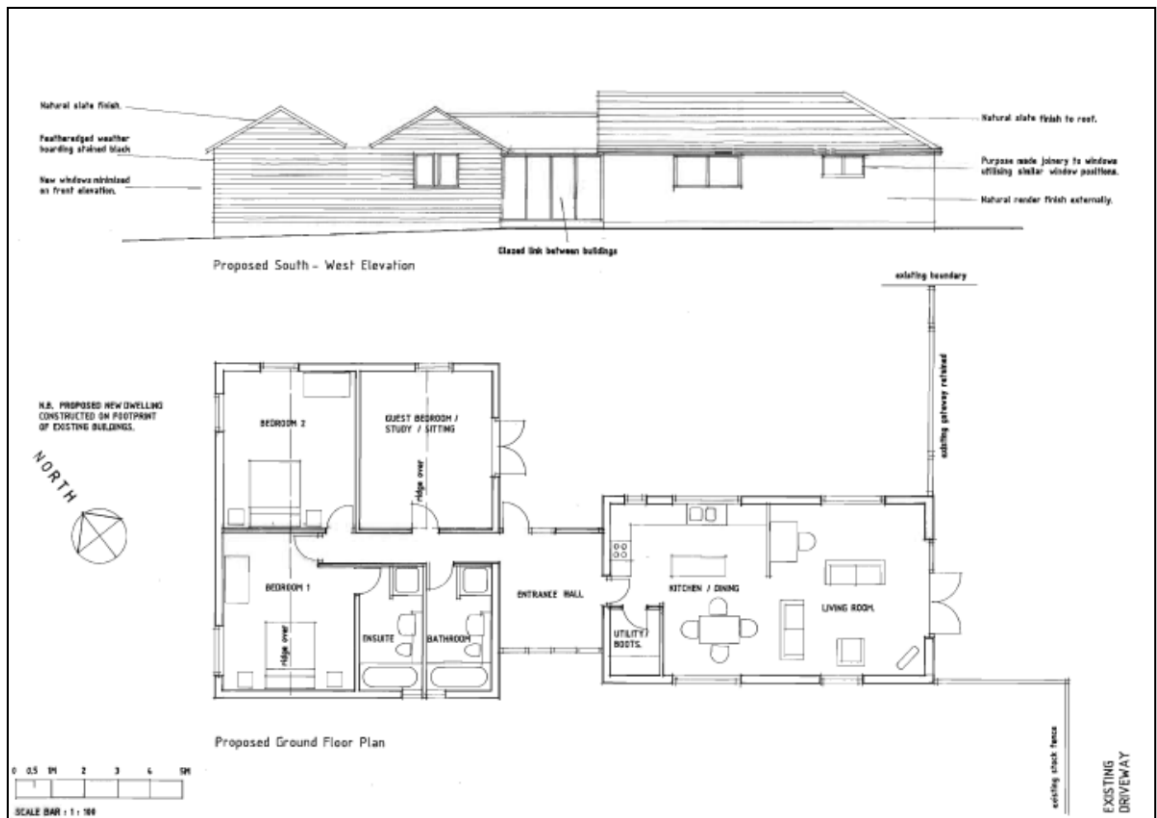


Figure 2: Proposed Elevations and Floorplans

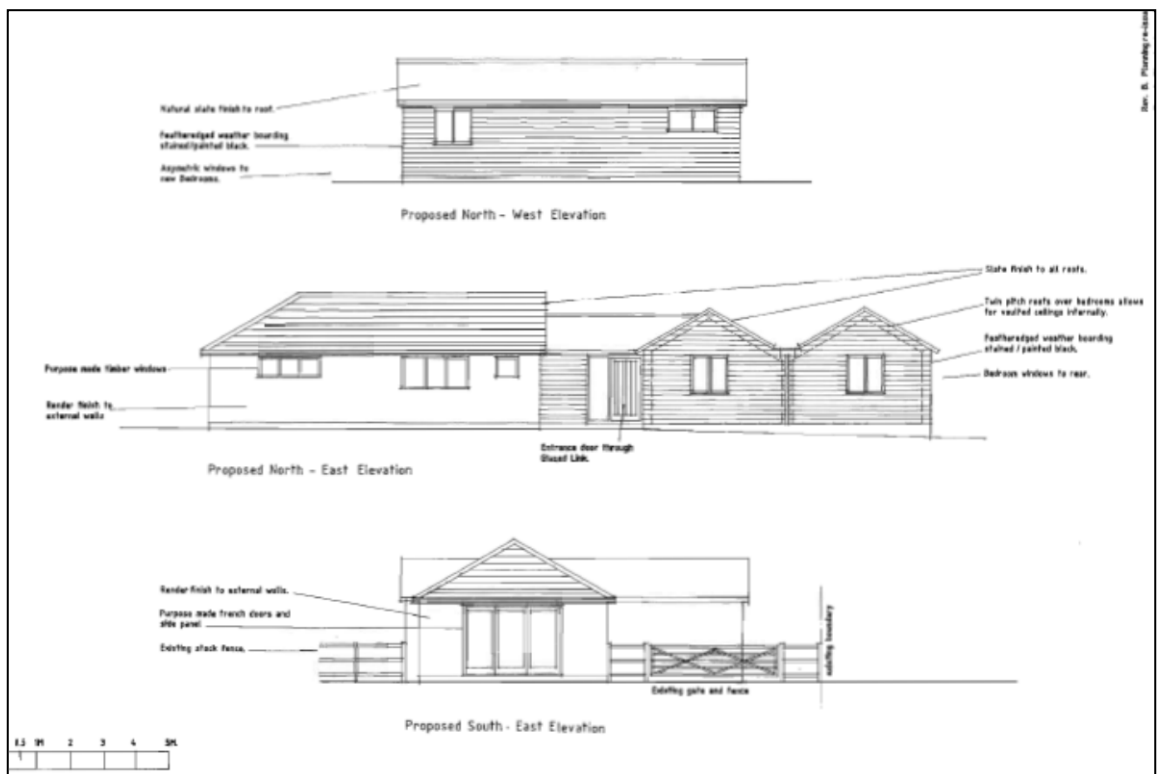


Figure 3: Proposed Elevations

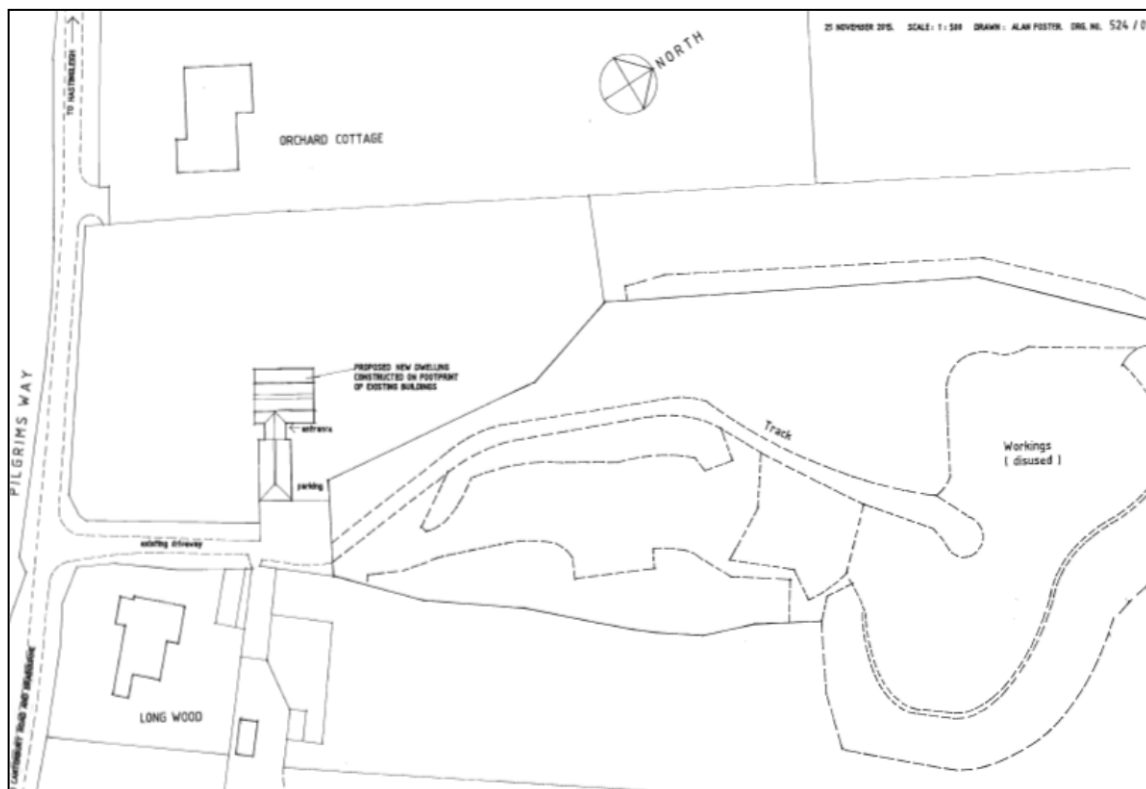


Figure 4: Site Layout

In support of the application the applicant states:

- The NPPF seeks to proactively drive and support sustainable development to deliver the homes, infrastructure and thriving local places. The proposal would have the benefit of providing an additional unit albeit in an unsustainable location.
- The proposal would provide considerable environmental improvement to the local area.
- The NPPF supports exceptions to the general theme of restraint against new dwellings in the countryside, where special circumstances apply. This is an occasion where the combination of the re-use of the building in a sensitive manner, improvements to the visual appearance of the building and improvements to the landscape through provision of improved habitat corridors would form such circumstances and would apply in this instance. The proposal meets the previous Appeal Inspector's concerns over domestic paraphernalia, retains the simple utilitarian appearance of these buildings and their appropriateness to their surroundings.
- The adverse impacts of location are far outweighed by the improvements to the character and appearance of the site in the AONB and biodiversity

improvements, when assessed against the policies in the Framework taken as a whole.

Planning History

DC	OA	11/00057/AS	Erection of a dwelling and garage	REFUSED APPEAL DISMISSED
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Consultations

Ward Members: One of the ward members has requested that the application be determined by the planning committee. No comments have been received from the other ward member.

Brabourne Parish Council: No Objection

“The Parish Council has no objections to the application, it being an improvement on the existing derelict building. The Parish Council would comment that a condition be attached restricting the ability to extend the dwelling and removing the permitted development rights for garden buildings.”

Neighbours: 3 neighbours consulted. 1 letter of objection stating the following

- No substantial difference between this application and the previous application on this plot,
- If the existing agricultural building is deemed unsightly, it would seem more logical and in keeping with an AONB to simply demolish the building and use the land for grazing

1 general comment received stating the following

- Proposals are in keeping with surrounding area. This assumes no modifications to external views or expansion of footprint. In the event of planning refusal perhaps demolition could be considered thus reverting the plot to pasture in keeping with the AONB environment

KCC Ecology: No Objections

Environmental Services Manager: No Objections

Planning Policy

9. 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.
10. 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

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – The Borough Wide Strategy

CS9 – Design Quality

CS18 – Meeting the Community's Needs

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS1 – Minor residential development or infilling

TRS2 – New residential development elsewhere

TRS17 – Landscape character & design

TRS19 – Infrastructure provision to serve the needs of new developments

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment

Residential Space and Layout

Residential Parking and Design

Sustainable Drainage

Public Green Spaces and Water Environment

Dark Skies SPD

Government Advice

National Planning Policy Framework 2012

Nationally Described Space Standards

12. 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

13. The main issues for consideration are:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety/Parking
- Ecology
- Planning obligations

Principle of Development

14. Central government guidance contained within the National Planning Policy Framework (NPPF) provides concise guidance with regards to the development of new dwellings with a presumption in favour of sustainable development to be seen as the “golden thread running through decision-taking” The Council's adopted Development Plan Documents (DPDs) and policies are consistent with the NPPF and should therefore be given full weight in the consideration of the application in accordance with the advice contained within the NPPF.
15. Policy TRS2 of the Tenterden and Rural Sites DPD states that new residential development outside of the built confines of the villages listed in policy TRS1 will not be permitted unless it constitutes one of the following:

- an agricultural workers dwelling.
 - it involves the re-use or adaptation of an existing rural building of architectural or historic merit.
 - it is a replacement dwelling
 - it is a local needs scheme.
16. This reflects the objectives of the Core Strategy and paragraph 55 of the NPPF, which states that housing should be located where it will enhance or maintain the vitality of rural communities, to promote sustainable development in rural areas.
17. The site is located 1.5 miles outside of Brabourne Lees and therefore lies outside of the built confines. The proposal meets none of the criteria set out in policy TRS2 and therefore in policy terms is unacceptable as a matter of principle. In addition planning permission for the erection of a dwelling on this site was refused in 2011 for the following reasons:
- 1) *The proposed development lies in a countryside location outside the confines of any identified settlement. The future occupants of the dwelling would be heavily reliant on the use of the private car to meet their day-to-day needs and as a result the proposal would fail to minimise the number of new car journeys generated. The proposal would therefore be contrary to the sustainable objectives in the Development Plan and Central Government Guidance resulting environmental harm.*
 - 2) *The proposed development would result in sporadic residential development within the countryside for which no overriding justification has been provided. The resultant building and its curtilage would unacceptably domesticate the appearance of the site in a manner that would be harmful to the visual amenity of the area and would fail to protect or enhance the character of the Area of Outstanding Natural Beauty.*
18. Following the refusal of planning permission the applicant appealed however this was dismissed with the Inspector concluding that the site falls outside of the built confines and the proposal is contrary to policy TRS2 and fails to meet any of the exceptional criteria listed. The site lies in an unsustainable location. The site is not classed as previously developed land as its last use was for agriculture. The existing buildings are modest in scale and form and are not prominent or incongruous in the wider landscape. The erection of a dwelling in place of the existing buildings would not result in significant improvement to the rural environment. Residential use would result in a domestication of the site resulting in visual harm in the countryside / AONB.

19. The key issue is therefore whether there are any material considerations that would warrant a departure from the NPPF and Development Plan to justify the grant of planning permission in this case and indeed whether there have been any material changes in policy or circumstances since 2011, when the appeal was dismissed, that would warrant a different decision being reached. These issues are examined in the following sections

Visual Amenity

20. As stated earlier in the report the site lies within the countryside designated as AONB. The NPPF in para 115 states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”

21. The application site is rural in character. The dormant quarry to the rear has become overgrown since its last use, presenting an attractive backdrop of mature trees and vegetation on generally rising land. Similarly, the existing buildings have become overgrown, with large bushes starting to invade the buildings and naturalise the site helping them to assimilate into the landscape. The existing buildings have a simple, utilitarian appearance which is appropriate to their rural surroundings. The site is not visually prominent or intrusive and does not detract from the character and appearance of the countryside / AONB.
22. The application proposes to demolish these buildings and construct a new dwelling on roughly the same footprint. A single storey development, the dwelling has been designed to preserve the scale and form of the existing buildings with the external finish designed to maintain the appearance a rural building. That said the proposed residential use along with associated curtilage would domesticate the appearance of the site in turn representing an incongruous and intrusive form of development in the AONB. Indeed rather than enhancing the AONB the proposal would detract from it,
23. The respect of the appeal in 2011 which proposed a single storey dwelling on the same site the Inspector clearly stated:

“Even if the dwelling were to take on the appearance of a barn (or some other typically rural structure), the visual paraphernalia associated with normal residential occupation would be likely to cause a harmful domestication of the site.”

24. The only material change in policy since the above appeal decision is the NPPF which heightens yet further the protection of special landscapes such as the AONB as stated above. The proposal would detract from the character and appearance of the countryside and cause significant harm to the AONB.

Residential Amenity

25. No loss of privacy to neighbouring residential property would be caused by the proposal and the development would not result in loss of light. Overall the proposed development would have no adverse impact upon residential amenity of neighbouring properties.
26. With regard to the residential amenity of the future occupiers the proposed dwelling would comply with the nationally described space standards for internal space and the Council's adopted residential space standards in respect of garden space and is therefore acceptable.

Highway Safety and Parking

27. The proposal is for a single dwelling. The number of vehicle movements associated within a residential use would not result in a significant intensification in the use of the access which would be detrimental to highway safety. Parking space for at least two cars would be provided in accordance with the Council's adopted Residential Parking Standards. Overall, the proposal would not result in a development which is detrimental to highway safety.

Ecology

28. An ecological scoping survey has been submitted with application which confirms that there is limited potential for roosting bat and barn owls on site. Given the current use of the site and the distance from the nearest pond, it is unlikely that the site is used a terrestrial habitat by protected species. As such the proposal would not cause harm to matters of ecological importance and KCC Ecology raise no objection.

Planning Obligations

29. Development Plan policies CS18 and TRS19 and adopted Public Green Space and Water Environment SPD, seek contributions from all new residential development toward public green space and infrastructure in accordance with the NPPF which stresses the need to ensure effective planning for high quality open spaces, sport and recreation facilities. The contributions sought are tariff style planning obligations, used to help fund informal and natural public green space, outdoors sports facilities, allotments, children's play and a strategic parks in the Borough.

30. On 28th November 2014, Central Government revised its National Planning Practice Guidance to the extent that, with immediate effect, tariff style contributions should not be sought on residential developments of 10 homes or less outside of designated rural areas. This move has been taken to provide a boost to the country's small house builders.
31. However following a recent challenge by two councils against these changes to the PPG and specifically the paragraphs stating that planning obligations should not be sought on developments of 10 dwelling or less, the court on 31st July 2015 declared the changes to be unlawful. Notwithstanding this, the Council does not have any infrastructure projects identified at this time that it would be appropriate for a development in this location to contribute to given pooling restrictions. In light of this, it would be unreasonable to request that the developer enters into a legal agreement to provide a commuted sum towards public open space provision in accordance with the Public Green Spaces and Water Environment SPD and policies CS18 and TRS18.

Human Rights Issues

32. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation 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

33. 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

34. The key issues for the Committee to decide are whether there is justification sufficient to allow a new dwelling in this location where new residential development would not normally be permitted and where recently a very similar proposal was refused and dismissed at appeal.
35. The proposal involves the demolition of the existing barns and their replacement with a dwelling of a similar footprint and associated residential curtilage. The site lies within the AONB and does not currently detract from it. The proposal meets none of the criteria in the development plan or NPPF and

would result in unjustified development in the AONB, unacceptably domesticating it and resulting in significant visual harm.

36. The scheme remains acceptable in respect of impact on residential amenity, highway safety and ecology. Furthermore the Council does not have any infrastructure projects identified at this time that it would be appropriate for a development in this location to contribute to given pooling restrictions.
37. For the reasons given above, I recommend that the application is refused.

Recommendation

Refuse

on the following grounds:

1. The development would be contrary to policy CS1 of the Local Development Framework Core Strategy (2008), Policies TRS2 and TRS17 of the Tenterden and Rural Sites Development Plan Document (2010) and Government Guidance contained in the National Planning Policy Framework 2012 and would therefore be contrary to interests of acknowledged planning importance for the following reason:
 - (1) The proposal would lead to the creation of a dwelling which lies outside of the built confines of any identified town or village. With no overriding justification having been submitted, the proposal would give rise to an unnecessary and unsustainable form of development which would cause unacceptable visual harm to the detriment of the character and appearance of the countryside and AONB.

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 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 15/01677/AS.

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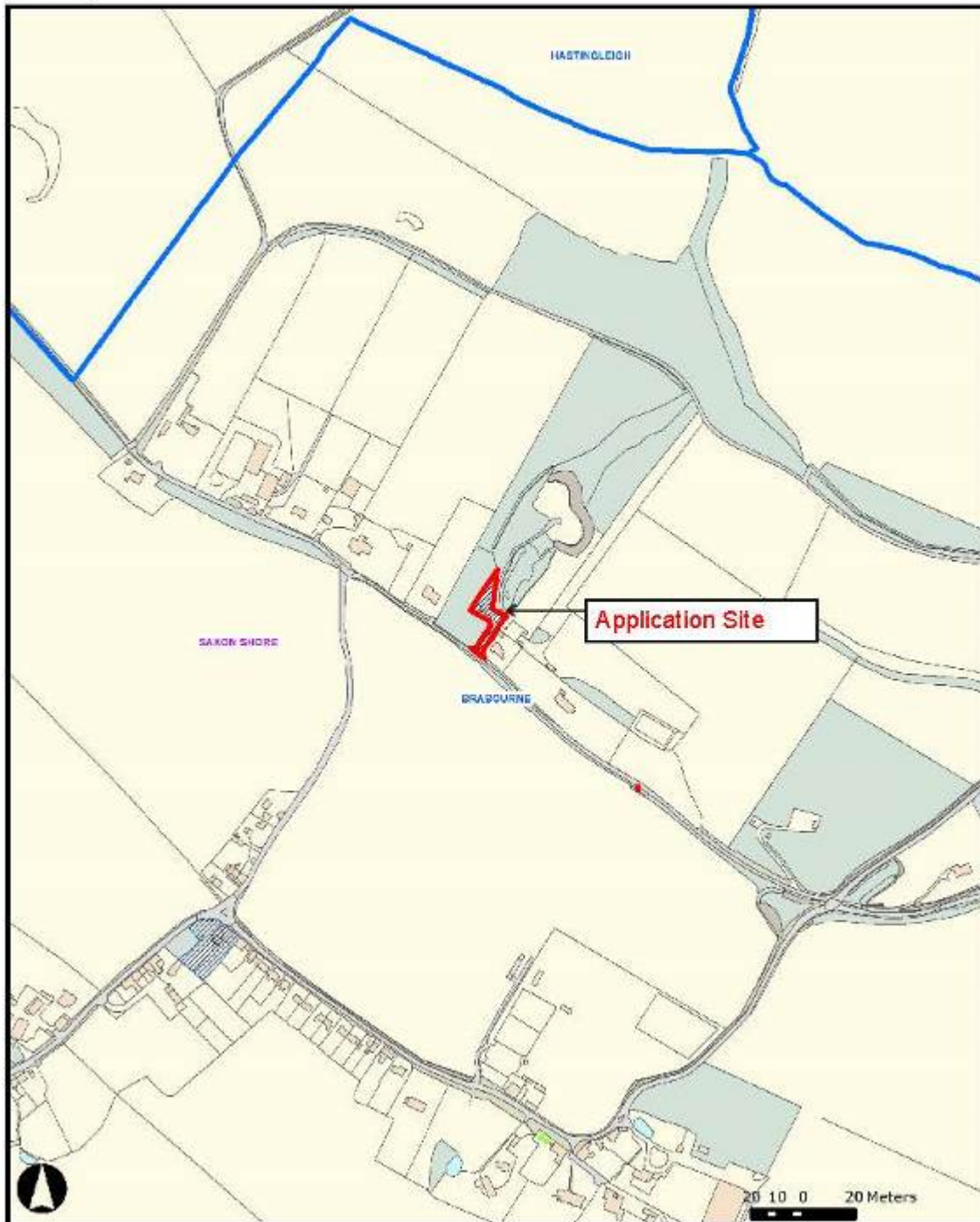
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Annex 1



Ashford Borough Council



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