

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **20<sup>th</sup> April 2016**

### Present:

Cllr. Burgess (Chairman);

Cllr. Wedgbury (Vice-Chairman);

Cllrs. Apps, Bennett, Clokie, Dehnel, Galpin, Heyes, Hicks, Link, Powell, Smith, Waters.

In accordance with Procedure Rule 1.2 (iii) Councillors Smith and Hicks attended as Substitute Members for Councillors Ovenden and Barrett respectively.

### Apologies:

Cllrs. Barrett, Mrs Blanford, Bradford, Clarkson, Farrell, Ovenden.

### Also Present:

Cllr. Mrs Dyer.

Joint Development Control Manager, Planning Officer, Head of Development Delivery, Senior Solicitor (Strategic Development), Member Services and Scrutiny Support Officer.

## 392 Minutes

### Resolved:

**That the Minutes of the Meetings of this Committee held on the 9<sup>th</sup> and 16<sup>th</sup> March 2016 be approved and confirmed as a correct record.**

## 393 Schedule of Applications

### Resolved:

**That following consideration of (a), (b) and (c) below,**

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

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**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

**decisions be made in respect of Planning Applications as follows: -**

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<b>Application Number</b>	16/00255/AS
<b>Location</b>	2 Jessamine Cottages, Vesper Hawk Lane, Smarden, Ashford, Kent TN27 8PU
<b>Grid Reference</b>	88162/42334
<b>Parish Council</b>	Smarden
<b>Ward</b>	Weald North
<b>Application Description</b>	First floor extension at side and new entrance porch
<b>Applicant</b>	Mr A Loffstadt, 2 Jessamine Cottages, Vesper Hawk Lane, Smarden, Ashford TN27 8PU
<b>Agent</b>	Mr R Ervin, 1 Jessamine Cottages, Vesper Hawk Lane, Smarden, Ashford TN27 8PU
<b>Site Area</b>	0.01ha
(a) 6/2R	(b) + (c) -

In accordance with Procedure Rule 9.3, Mrs Jefferson, a neighbour, spoke in objection to the application. She moved into Library House in 1975, prior to which there were three rights of way from Jessamine Cottages to Library House to two lavatories and an oven. The plumbing still remained in place to this day, but the oven had been bricked up. In the 1950s the three properties had installed bathrooms and metal crittall windows were installed in the rear of Library House. It was intended to replace the metal crittall windows with wooden frames but Library House became a Grade II listed building in 1980, and as a result it was not possible to replace the windows as planned as they became listed in their own right. This was confirmed by the Council in the 1980s, therefore whatever the personal opinion of the applicant's agent might be, the rear of Library House was listed Grade II. Also, the agent's opinion that Library House was surrounded by industrial units was an exaggeration. There were three buildings. The original barn was a medieval tithe barn which was burnt down in the 1940s. The present barn was built in 1947 on the same footprint and was used to store classic cars. It was not a working garage. The two smaller buildings were used as a car repair facility and a small office. It was an exaggeration to call these three buildings industrial units. There was more space between these buildings and Library House than between number 2 Jessamine Cottages and the boundary hedge fence at Library House. The addition of an upper floor extension on such a compact plot would be far from minimal and of no

consequence but would be visually overpowering to both the neighbouring properties, inappropriate to the location and have a significant impact on privacy.

The Ward Member attended and spoke in support of the application.

**Resolved:**

**Refuse**

Subject to the following conditions and note:

The proposed development would be contrary to policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, to Policy EN16 of the Ashford Borough Local Plan 2000 and to Policy TRS17 of the Tenterden & Rural Sites Development Plan Document 2010 and to the Council's Supplementary Planning Guidance SPG10 Domestic Extensions in Urban and Rural Areas and to Government Guidance contained in the NPPF and is therefore considered development harmful to interests of acknowledged planning importance for the following reasons:

- 1) The proposed extension by virtue of its design and form would not sit comfortably with the existing design and form of the roof resulting in a visually prominent and incongruous form of development. In turn, the hipped roof design would unbalance the symmetry of this pair of cottages. The development would therefore be harmful to the visual amenity of the locality and neither preserve or enhance the character of the designated Smarden Conservation Area.
- 2) The proposed development would result in the insertion of a new first floor bedroom window facing northwards that, given the relationship to the immediate neighbouring property to the north, Library House, would lead to an unacceptable degree of overlooking into the most private garden area of this property to the detriment of the residential amenity of its occupiers.

**Note to Applicant**

**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 agent was updated of any issues after the initial site visit,
- the application was considered by the Planning Committee where the applicant had the opportunity to speak to the committee and promote the application.

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

The Joint Development Control Manager drew Members' attention to the Update Report. An additional letter of objection had been received to the application.

In accordance with Procedure Rule 9.3, Mr Batt, the applicant's son, spoke in support of the application. He drew Members' attention to the photographs and letter of support which had been lodged with the application. Buckman Green Farm was the last remaining hop farm in Smarden, and was one of only 50 remaining hop farms in England. The farm produced 50 acres of award winning hops which were supplied nationally and internationally, as well as 30 acres of arable and a turkey enterprise. Turkeys had been raised on the farm for 55 years, but numbers had been reduced in recent years to reduce the strain on Mr Batt Snr. This was a 4<sup>th</sup> generation family farm established over a hundred years ago, and had been modernised over the generations, with further investment in acreage, dwarf hops and infrastructure. Mr Batt Snr wished to retire and pass stewardship of the farm to his son. Much of the evidence of essential need was not presented in the Officer's report, despite being present in the application, and Mr Batt wished to highlight this omission. The report noted only one letter of support, whereas six letters of support had been lodged by neighbours, along with the support of Smarden Parish Council. There was also no mention of dwarf hop production, which equated to 50% of the farm's hop acreage. Dwarf hops were grown as a free-standing hedge row which made them extremely vulnerable to wind damage. The photographs illustrated why, day or night, the crops must be walked and preventative measures taken to protect the crops to stop a domino effect of collapse. Mr Batt Snr was no longer able to undertake this task in his retirement. A further four letters of support had been provided by industry experts. The Officer commented that the turkey enterprise did not justify an essential need, but the flock must be checked at all hours to ensure the animals' wellbeing and security. A full business plan was submitted to expand the flock to 2,000 birds. It was suggested that the farm could support a house in a neighbouring area. Firstly, living off-site would be detrimental to animal welfare and crop husbandry. Secondly, investment would double the cost of this application, limiting further investment in the farm business. It had also been suggested that Mr Batt Snr could be relocated with his wife, and Mr Batt considered this an extraordinary suggestion after 40 years' residence in the farmhouse. Mr Batt said he had demonstrated a need as an employee to support this development.

The Ward Member attended and spoke in support of the application.

**Resolved:**

**Refuse on the following grounds:**

The proposed development would be contrary to policies GP12 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

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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**

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- 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.

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<b>Application Number</b>	15/01412/AS
<b>Location</b>	Garage blocks rear of 116 and 118, Beecholme Drive, Kennington, Kent
<b>Grid Reference</b>	01374/44272
<b>Parish Council</b>	Kennington
<b>Ward</b>	Bockhanger
<b>Application Description</b>	Erection of 2no. dwellings with associated parking, detached garage block and 5no. flexible parking spaces
<b>Applicant</b>	Mrs Sharon Williams, Head of Community and Housing, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Agent</b>	Mr Craig Dobson, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent, TN25 6SX
<b>Site Area</b>	0.094ha

(a) 31 / 6R : 32 / 1R (b) - (c) KH&T / X, POS / -

Re-consultation:

20 / 1R

The Joint Development Control Manager drew Members' attention to the Update Report. There was a discrepancy in the report and she confirmed that a total of 6 objections had been received.



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**Resolved:****(A) Permit**

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

4. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

5. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

6. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

8. Prior to works commencing on site, details of parking for site personnel and visitors and loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

**Reason:** To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

9. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

**Reason:** To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

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10. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

**Reason:** To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as a single dwelling house as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

12. The area shown on approved Drawing No.15-137 – 02 Rev C as vehicle parking space for the dwellings shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

13. The communal car parking and garages as shown on drawing 15.137-02 shall be provided on the site and be available for use within 1 month of the first occupation of either of the dwellings.

**Reason:** In the interest of highway safety

14. No development shall take place until details of the bicycle storage facilities showing 2 covered and secure spaces per dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed in accordance with the approved details prior to occupation of the development and shall thereafter be retained.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles on the interest of highway safety.

15. Elevations of the approved sheds shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the development shall thereafter be carried out in accordance with the approved details. The sheds shall be provided prior to the first occupation of the dwelling to which it relates.

**Reason:** In the interests of visual amenity.

16. No development shall be commenced until:
1. a site investigation has been undertaken to determine the nature and extent of any contamination, and
  2. the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

**Reason:** To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is developed.

### 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/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.
- the application was dealt with/approved without delay.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. The applicant is requested to give priority to those residents within the immediate locality regarding the use of the garages.

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

- (a) 3/ 1R 1+                      (b) Brabourne X                      (c) ESM X, KCC Ecology X

In accordance with Procedure Rule 9.3, Miss Scott, the agent, spoke in support of the application. The application site comprised a pair of closely-related agricultural buildings within an established line of existing residential dwellings. These buildings would benefit from permitted development rights for a business or retail use under the prior notification system. However, the adjoining property, Longwood, had a right of access over the existing farm access track which also served these buildings and this was its sole vehicular access. It was considered that business use was less appropriate than residential use, and the applicant sought replacement with a modest single storey dwelling reflecting the character and scale of existing dwellings and constructed on the same footprint, with the exception of a small glazed link added between the two buildings which itself retained the appearance of a gap between the buildings. An appeal decision in 2012 refused permission for a dwelling on this site shortly before the NPPF was published. The Appeal Inspector noted the absence of drawings at that time to enable him to determine whether there was a visual impact, and raised concern over the large site area proposed at the time, which also incorporated the field between the buildings and the road. He also raised concern about impact of domestic paraphernalia. These proposals differed considerably from that appeal. They were plans for a modest replacement building, the grazed field was retained between the buildings and the road and a private hedged rear garden was provided, ensuring all domestic use was hidden behind the building and to the rear. The Council could attach a condition removing permitted development rights and ensuring continued control for the future. The NPPF introduced a more positive approach to rural development, encouraging agricultural building conversions. This modest replacement scheme was supported by the Parish Council and the Ward Member.

**Resolved:**

**Deferred for a site visit.**

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Queries concerning these Minutes? Please contact Rosie Reid: Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk).

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