

Application Number	16/00458/AS
Location	Land rear of 25, The Street, Hothfield, Kent
Grid Reference	96989 /45006
Parish Council	Hothfield
Ward	Downs West
Application Description	Construction of a new single dwelling, garage and associated landscaping
Applicant	Mr N Fysh
Agent	Mr M Gomez, BTL Design
Site Area	786m ²

(a) 8/1+ (b) Hothfield S (c) WKPS S, KCC H&T -

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Krause, who is a member of the Planning Committee.

Site and Surroundings

2. The site is undeveloped comprising part of the extended garden of property No.25 The Street and is laid mostly to grass with mature trees around the perimeter. There is an existing access to the site from The Street south of the former Old Kings Head public house, which has since been converted to residential. The site lies immediately north of the designated Hothfield Conservation Area (CA) which encompasses the former public house, properties north along The Street and the land south of Park Drive. There are three Grade II Listed Buildings in the vicinity including No.25 on The Street approximately 50m east of the site.

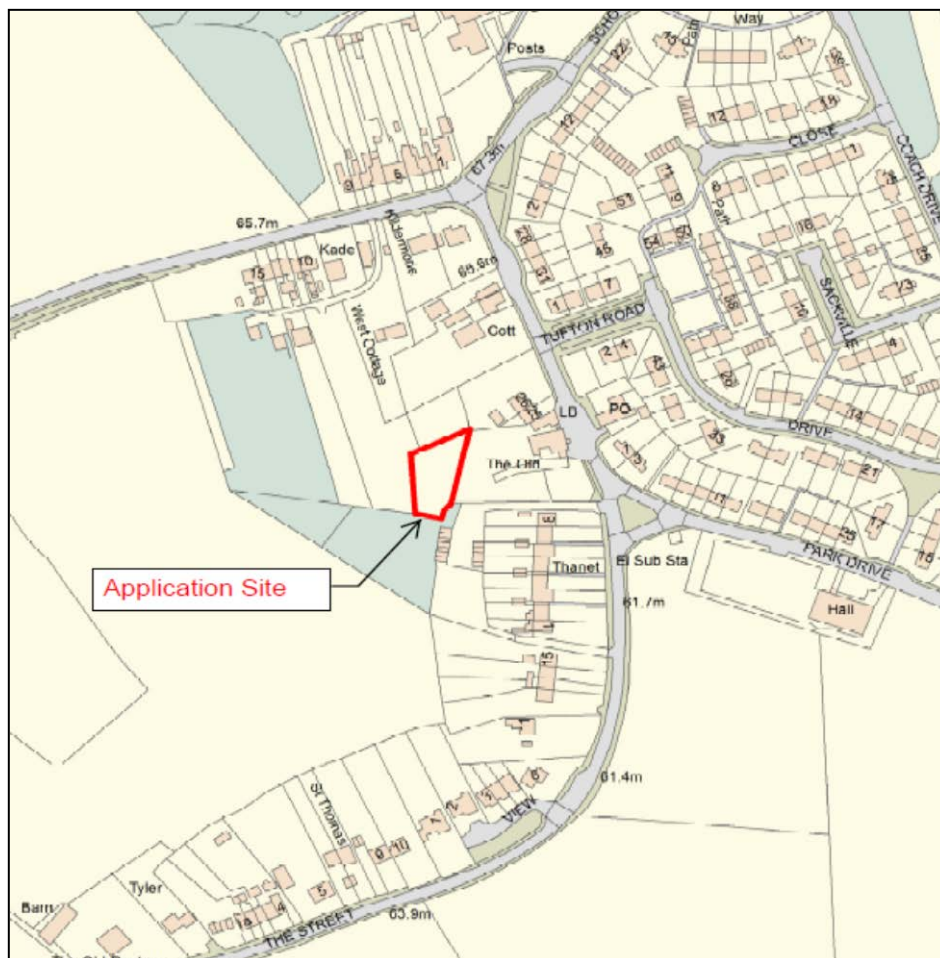


Figure 1: Site Location

Proposal

3. Planning permission is sought for the erection of a detached chalet style dwelling with a detached garage and associated landscaping. Access to the site is proposed off The Street via an existing access which leads to the garages to the rear of Thanet Terrace.

The dwelling would be constructed using brick with timber weatherboarding on the flank walls, a plain clay tiled roof and following a discussion with Officers, timber windows and doors. The proposed garage would be constructed using the same materials.

4. In support of the application a Preliminary Ecological Appraisal has been submitted which concludes that there is low potential for GCNs to be present on the site and the site has potential to be used by foraging and commuting bats, as well as slow worms. Whilst there would be no requirement for further survey work it is recommended that a reptile mitigation strategy would be appropriate as well as ecological enhancement measures.



Figure 2 Proposed Elevations

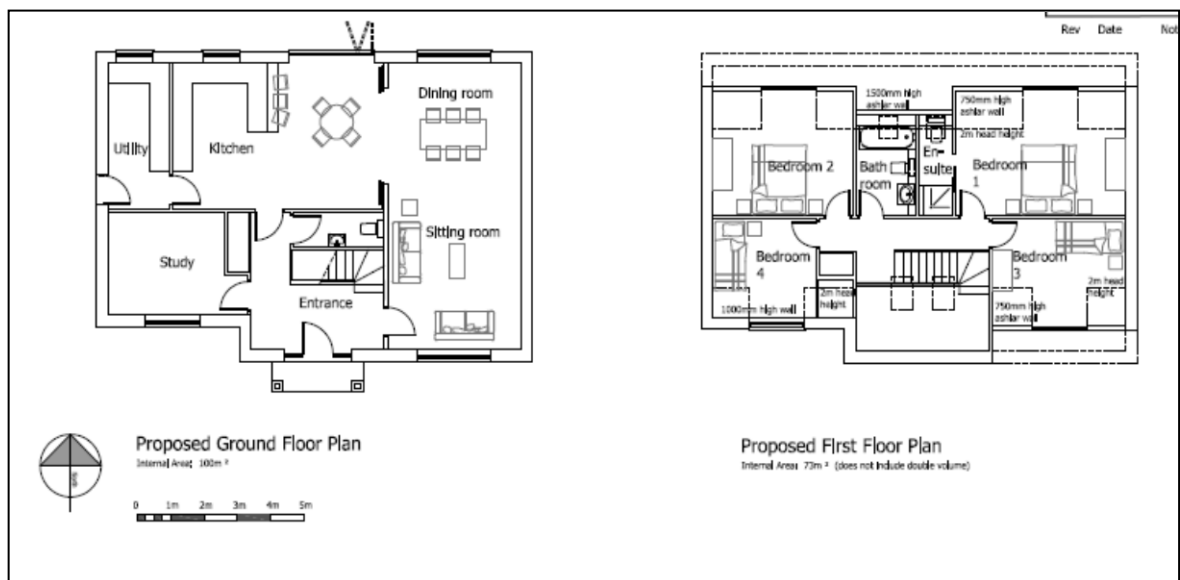


Figure 2: Proposed Floorplans

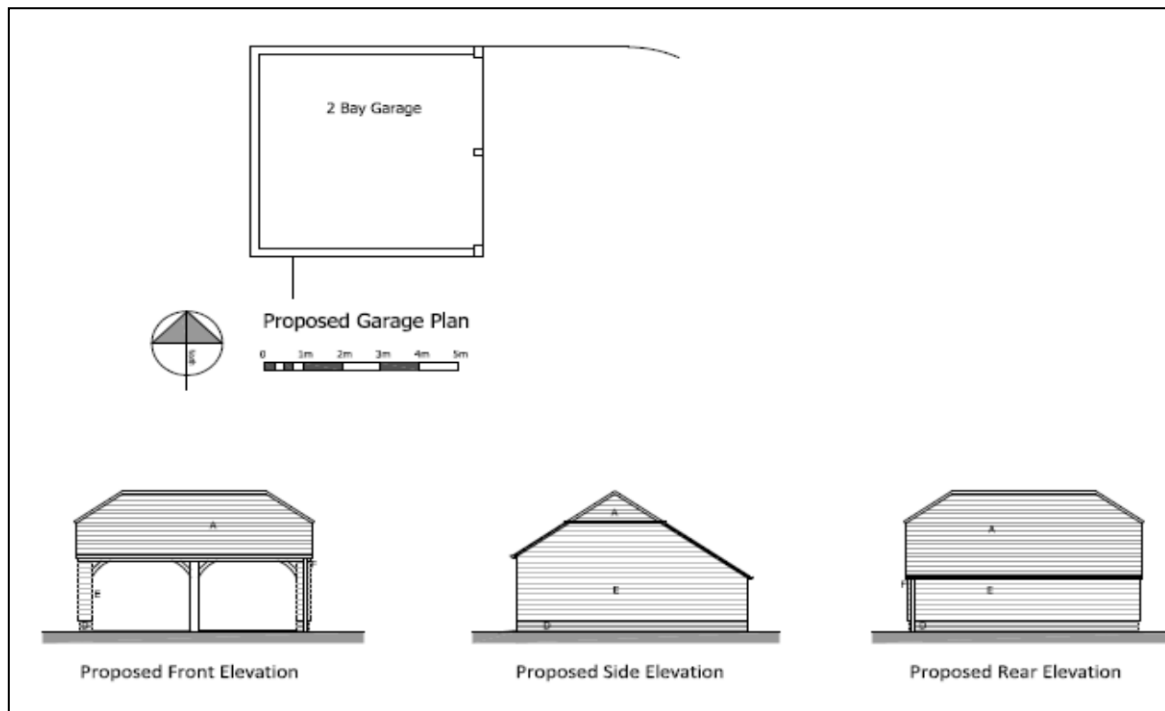


Figure 3: Proposed Floorplans and Elevations of Garage

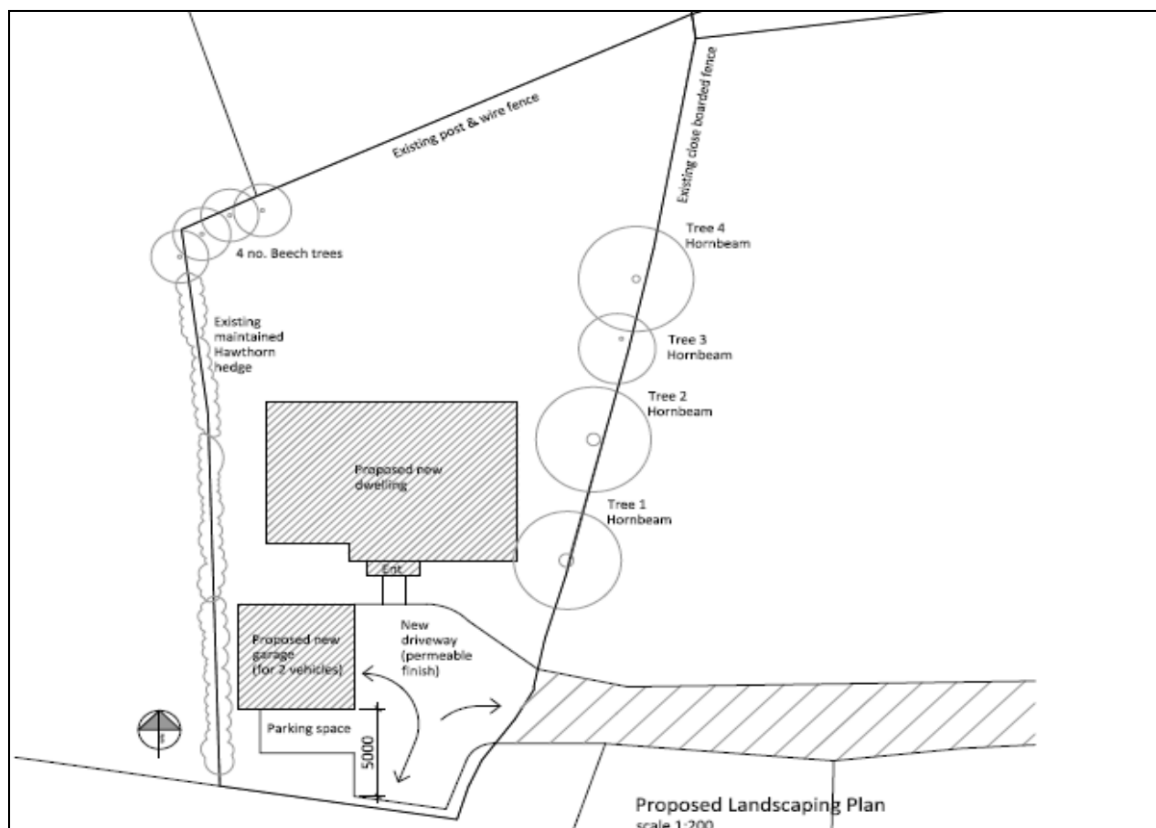


Figure 4: Proposed Site Layout

Planning History

No Relevant Planning History

Consultations

Ward Members: The Ward Member is a member of the Planning Committee

Hothfield Parish Council: Support

Neighbours: 8 neighbours consulted. 1 general comment received stating the following:

- Building is in close proximity to three Grade II listed buildings and lies within reasonable distance of a number of older houses. Concerned about the visual impact on the character of the surroundings.
- Is it inevitable that UPVC windows are used throughout the design? Wouldn't wooden windows in an appropriate style make the design less at odds with its neighbours? Other than that the design and the provision of tree planting seems pretty good

(**DCM comment:** the application has been amended to include timber framed windows).

KCC Highways and Transportation: The proposal does not meet the criteria to comment.

Weald of Kent Preservation Society: Support

1. The layout, scale, design and appearance of this application seems sympathetic and in keeping with the surrounding properties, and the village of Hothfield.
2. Access to the site from The Street is already present, also sufficient car parking spaces have been allocated for this development.
3. The proposed development does not fall within any designated areas.
4. Furthermore, the application appears to meet the requirements of policy TRS1 from the Tenterden and Rural Sites (DPD) plan which states that residential development should only be permitted to sites which are inside the existing built up boundaries of a settlement

Planning Policy

5. 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. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
6. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

HG5	Sites not on the Proposals Map
GP12	Protecting the Countryside and managing change
EN31	Important habitats

Local Development Framework Core Strategy 2008

CS1	Guiding Principles
CS9	Design Quality
CS11	Biodiversity and Geological Conservation
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 and Design
TRS19	Infrastructure Provision

Local Plan to 2030

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU4	Residential Development in the rural settlements
HOU10	Development of Residential Gardens
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment

Residential Space and Layout (External Space Standards only)

Residential Parking and Design

Sustainable Drainage

Dark Skies SPD

Government Advice

National Planning Policy Framework 2012

National Planning Policy Guidance

8. 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.

9. Assessment

10. The main issues for consideration are:

- Principle of Development
- Visual Amenity and Impact upon the setting of the listed buildings and Hothfield Conservation Area
- Impact upon Residential Amenity
- Highway Safety/Parking
- Ecology
- Planning Obligations

Policy Background

11. Central Government advice contained within the National Planning Policy Framework (March 2012) provides concise government planning policy guidance with a presumption in favour of sustainable development to be seen as “a golden thread running through decision-taking” (para 14). For decision taking this means

- approving development proposals that accord within the development plan; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - i. any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework, taken as a whole; or

- ii. specific policies in the framework indicate development should be restricted.
12. Following a recent appeal decision which considered five year housing land supply, the Council's adopted development plan policies relating to new housing are now considered to be out of date. With the Council's new Local Plan still in draft form, applications for new housing have to be considered against the policies in the NPPF and in the context of the presumption in favour of sustainable development. As stated above this means approving the application unless the harm significantly and demonstrably outweighs the benefits and/or specific policies within the NPPF indicate otherwise

Principle of Development

13. Policy TRS1 of the Tenterden and Rural Sites DPD (2010) allows for minor residential development or infilling in specified settlements. Hothfield is one of those settlements identified but, the application site lies just outside of the built confines. Policy TRS2 indicates that new residential development outside the built-up confines of settlements identified in Policy TRS1 will not be permitted, unless in exceptional circumstances. The proposed development does not meet any of the exceptional circumstance criteria.
14. The underlying aims of these development plan policies are broadly consistent with the National Planning Policy Framework (March 2012) which seeks to promote sustainable development by resisting new isolated homes except in special circumstances. However, insofar as they relate to housing supply, both policies TRS1 and TRS2 are considered to be out of date. Referring therefore to the housing policies contained within the NPPF and paragraph 49 which states that new housing should be considered in the context of sustainable development,
15. The application site is located outside the identified village centre for the purposes of policy TRS1 but, it is not physically isolated as referred to in the NPPF. Lying adjacent to Hothfield an identified rural settlement where there is a shop, a school, village post office and shop and a regular bus service. Future occupants would not be entirely dependent upon the private motor car or need to travel far to meet their basic needs.
16. The NPPF, Core Strategy policy CS1 and, emerging Development Plan Policy HOU4 seek to achieve sustainable development, with a presumption in favour of sustainable development unless material considerations indicate otherwise.
17. Having considered the context of the site and its accessibility to the local public transport network and services, whilst outside of the built confines for the purpose of policy TRS1, on balance the proposal would represent

sustainable development and would not cause harm to the underlying aims and objectives of the Development Plan or the Framework.

Visual Amenity and Impact upon the setting of the listed buildings and Hothfield Conservation Area

18. The application site comprises part of the extended garden of property No.25 The Street. It lies immediately north of the Conservation Area which encompasses the former public house, properties north along The Street and the land south of Park Drive.
19. Paragraph 53 of the NPPF states Local Planning Authorities should resist inappropriate development of residential gardens, for example "where development would cause harm to the local area". This is supported by emerging Development Plan Policy HOU10 which states that development involving the complete or partial redevelopment of residential garden land will only be permitted where the development does not result in significant harm to the character of the area.
20. There are three Grade II Listed Buildings in the vicinity including No.25 on The Street approximately 50m east of the site and The Old Kings Head, a former public house.
21. Paragraph 133 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. A key consideration is the contribution that the site makes to the character of the Conservation Area and the setting of the listed buildings and whether the development would result in substantial harm to these designated heritage assets, in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.
22. The proposed dwelling has been designed to be visually low key and appropriate to its setting with hipped roofs, dormer windows and wooden cladding on the west and east elevations. Barn hipped ends have been introduced in lieu of full height gable ends to assist with reducing the visual mass ensuring the scale of the proposal is kept to a minimum.
23. The proposed design represents a cohesive and sympathetic building which would sit well within the context of the site and its surroundings. A good level of articulation would be achieved and the proposed use of traditional materials such as wooden weather boarding, red brickwork, plain clay roof tiles and white timber windows would respect the rural setting of the site and be sympathetic to the historic character of the adjacent listed building and the Conservation area. A high quality finish to the development would be achieved. The density of development is acceptable and allows for

landscaping to be planted which would provide better green connections within the wider area.

24. The proposed garage is of a small scale and located to the side away from public vantage points and would appear subservient to the main dwelling. Also constructed of traditional materials and with open bays, the garage would sit well within the context of the site and would not result in significant or unacceptable visual harm.
25. Overall, the development would represent a well-proportioned and coherently designed dwelling that would sit comfortably within the plot and its context. I therefore consider that there would be no harm to the character and appearance of the landscape, the setting of the adjacent listed buildings or the adjacent Conservation Area.

Impact Upon Residential Amenity

26. Given its relationship with the neighbouring dwellings, the proposed dwelling would not be overbearing and would not result in unacceptable levels of overlooking which would be harmful to the amenity of neighbouring dwellings
27. The internal and external amenity space complies with the nationally described space standards and the Council's Residential Space Standards and would not therefore be harmful to the residential amenity of future occupiers

Highway Safety and Parking

28. The scheme makes provision for sufficient off-road parking. The two parking spaces would meet the needs of the occupiers and the requirements of the adopted SPD.
29. Considering the proposal is for the erection of a single dwelling, it is considered unlikely to result in a significant intensification of the use of the access which would be detrimental to highway safety.

Ecology

30. No further survey work in relation to protected species is recommended but the report does recommend a number of ecological enhancements as well as reptile mitigation, which can be required as a condition of any planning approval. Given the low ecological potential of the site and that it does not exhibit the features of terrestrial habitat for protected species; I do not consider the proposal would result in any significant or unacceptable ecological impact provided the recommendations are implemented as part of the development.

Planning Obligations

31. Development Plan policies CS18, CS18a, 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.
32. Following a court of appeal judgement on 11th May 2016, the NPPG regarding contributions has been amended and the Council can no longer seek contributions toward green space on development sites of 10 dwellings or less. Therefore, no financial contributions can be sought for this development.

Human Rights Issues

33. 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 their 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

34. 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

35. Whilst the site technically lies in an area where new residential development would normally be resisted under the current development plan, the site lies immediately adjacent to the built confines of the village, and is well related to the facilities and services within the village. It is a piece of land currently being used as part of the garden to 25, The Street, and is therefore not land of a rural character. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development.

36. Paragraph 14 of the NPPF states that in such cases planning permission should be granted unless the harm significantly and demonstrably outweighs the benefits and/or specific policies within the NPPF indicate otherwise.
37. In turn, the application has overwhelming support from both Hothfield Parish Council and WKPS, and no neighbour objections have been raised.
38. For the reasons set out above and when assessed against the NPPF and the Development Plan as a whole, the proposal is considered to be acceptable and it is therefore recommended that the application is permitted subject to conditions.

Recommendation

Permit

Subject to on the following conditions

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. No development shall take place until detailed plans and information regarding the following aspects of the proposed development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approvals:

- (a) 1:20 scale sections relating to windows and doors including recess depth dimensions and reveals
- (b) 1:20 scale sections relating to roof overhangs

Reason: To assimilate the new development with the existing and in the interests in visual amenity.

4. Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
 - (a) Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, In addition, sections, mouldings and glazing bars shall be to a scale of 1:1 or 1:2 and will show means of fixing glazing. Details of finishes shall also be included.

Reason: In order to preserve the character and appearance of the conservation area and the setting of the adjacent listed building

5. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

6. 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.

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, B, C, D, E and F 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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the detached car barn shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further doors without the prior permission of the Local Planning Authority in writing.

Reason: To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

10. No works that may affect local reptile populations shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing population of reptiles and to improve the habitat for reptiles on the site in the future

11. Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future

12. The area shown on the drawing number PA/SO/14/021/002C as vehicle parking space, garages and turning 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. Prior to the first occupation of the dwellings hereby permitted, 2 secure covered bicycle spaces per dwelling shall be provided and shall thereafter be retained in perpetuity

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

14. Prior to works commencing on site, details of parking for site personnel as well as details of 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.

15. 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.

16. 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.

17. 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.

Note to Applicant

1. Working with the 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

- was provided with pre-application advice,
- 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 16/00458/AS.

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