

<b>Application Number</b>	16/01755/AS	
<b>Location</b>	Fairwinds, Station Road, Appledore, Ashford, Kent, TN26 2DF	
<b>Grid Reference</b>	97151/ 29796	
<b>Parish Council</b>	Appledore	
<b>Ward</b>	Isle of Oxney	
<b>Application Description</b>	Demolition of existing store with a proposed detached 5 bedroom house	
<b>Applicant</b>	Mr Andrew Harris, Fairwinds, Station Road, Appledore, Ashford, Kent, TN26 2DF	
<b>Agent</b>	Mr Paddy Sullivan, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent, TN25 6SX	
<b>Site Area</b>	0.76 hectares	
(a) 2 / 1X	(b) S	(c) EH (ES) / X, EA / X, KCC BIO / X, KH&T / +

## Introduction

1. This application is reported to the Planning Committee at the request of the ward member Cllr Burgess.

## Site and Surroundings

2. The application site lies outside the built confines of Appledore, located 1.5km to the east of the main settlement. The site is positioned on the southern side of Station Road, the site is located within the open countryside and within an area of land recorded under the Romney Marsh LCA, in which the objectives of are to conserve and restore the landscape. The site is located within Flood zones 2 and 3 as identified by the Environment Agency. The site is near to a SSSI and Ramsar Site.
3. The site is 0.76 hectares of agricultural land and contains a redundant former farm building. To the east of the site is a dwelling (The Granary) and to the west of the site lies the applicant's dwelling (Fairwinds). To the south lies the garden land of Fairwinds and to the east lies a garage

4. A plan showing the application site in relation to its surroundings is found below.

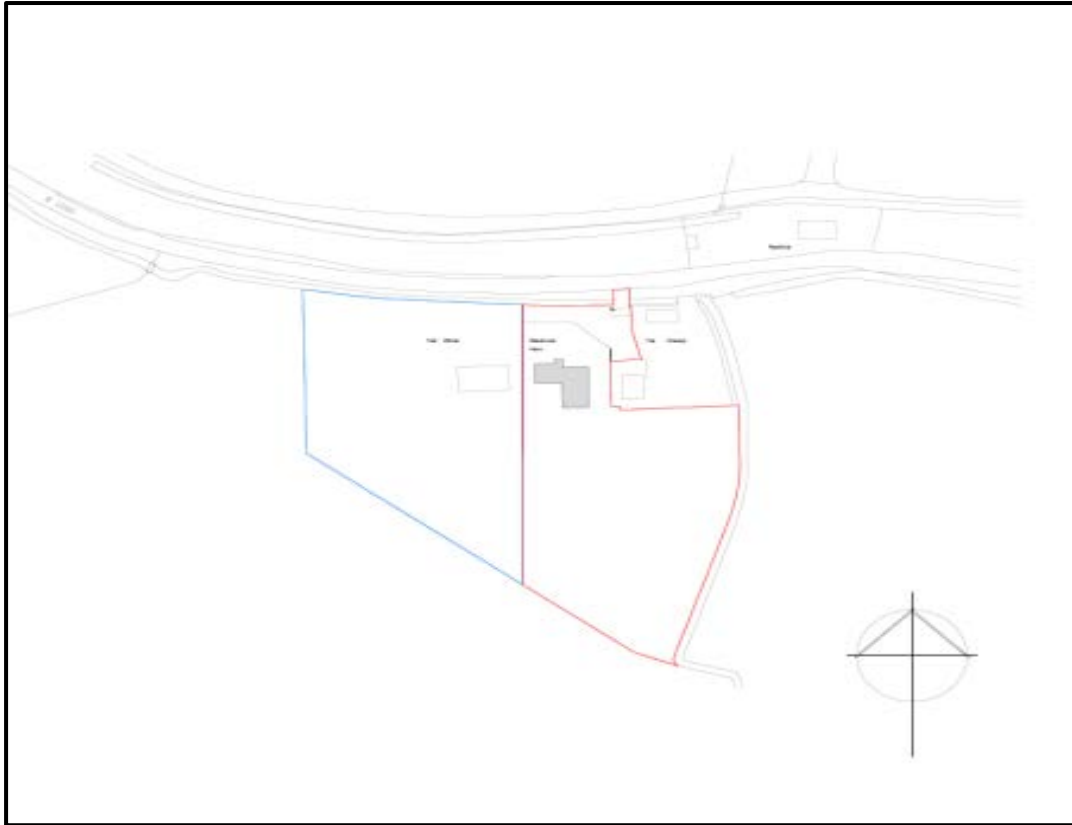


Figure 1 Site Location Plan

## Proposal

5. The proposal is to demolish the existing building and erect a new detached two-storey dwelling with associated parking and fencing. This new dwelling would be used as a single unrestricted property.
6. Externally, the new building would be finished in timber weather board, stained dark with a brick plinth. The building would have a stepped plan form with a pitched roof and single storey elements.
7. The building would front the highway and be sited in between the dwelling known as Fairwinds to the west and set back from The Granary to the east.
8. The existing vehicular access from Station Road would be used. To the south our neighbouring pasture fields.

9. In support of the application, the agent has asserted that there is a need for larger accommodation (to the house currently occupied at Fairwinds) in order to meet the needs of the foster care children and work the applicant is involved in. In support documentation including headed letters from the Children's and Adult's Services for the London Borough of Hounslow have been provided, confirming the applicants have provided 18 years of caring for young people and that the facilities from a new dwelling will benefit the young people in their care. The design and access statement asserts that the current adjacent garage is not sufficient for the requirements of the family and the foster children. The new house will provide facilities to benefit and enhance the lives of the foster children. The incorporation of wheelchair accessible areas, sensory gardens with a private courtyard, hydro pool and internal sensory space.
10. In addition, a Flood Risk Assessment has been submitted with the application. This confirms that the development would not result in an acceptable risk from flooding based on the recommendations made, namely to raise floor levels to 150mm above existing ground levels.



Figure 2 Proposed Block Plan

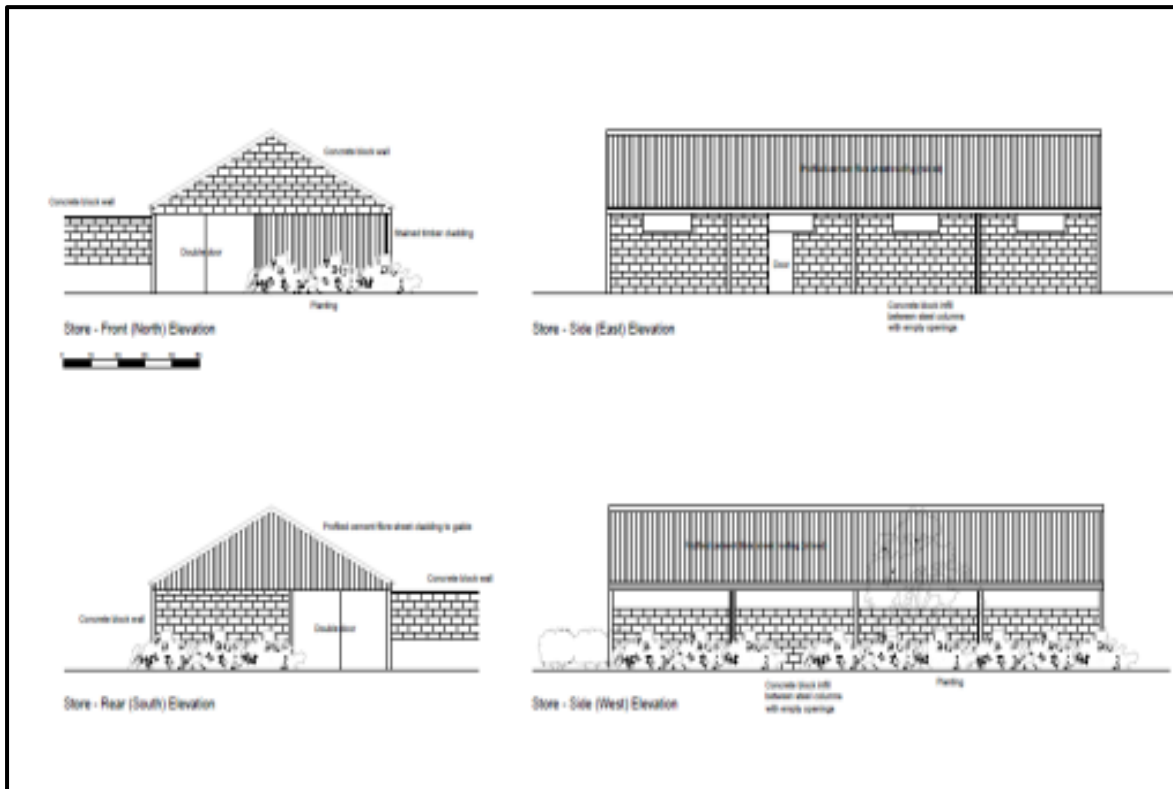


Figure 3 Existing Plans

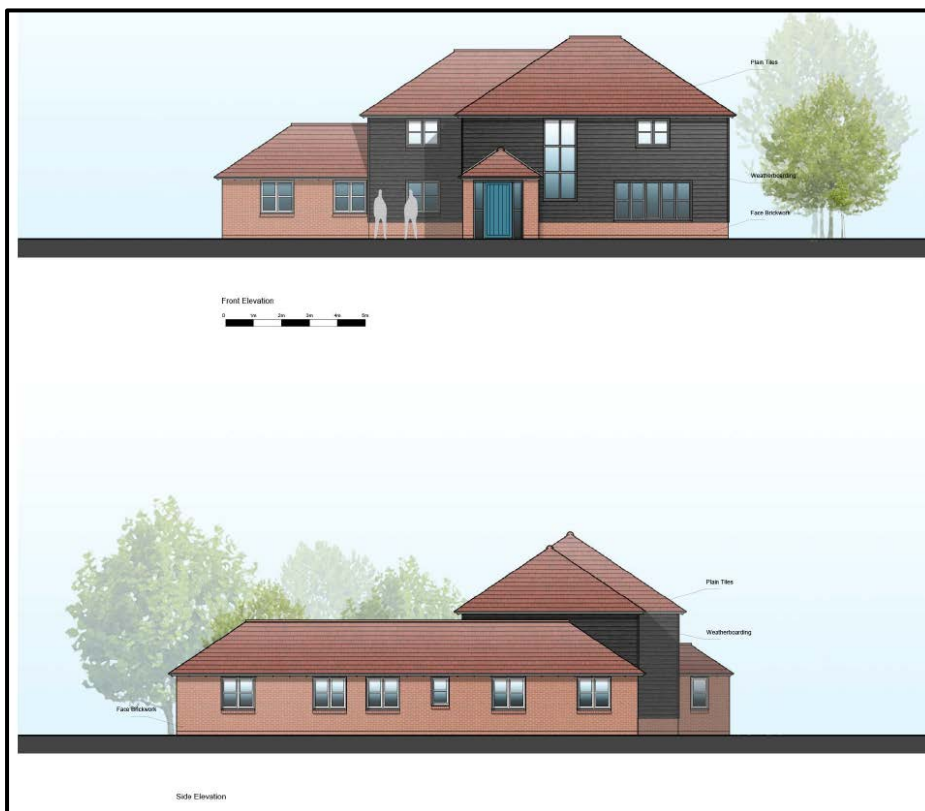


Figure 4 Proposed front (North) and side (east) elevations



Figure 5 Proposed rear (South) and side (West) elevations



Figure 6 Proposed Ground Floor Plan



Figure 7 Proposed First Floor Plan

## Planning History

Planning permission granted in 2004 (04/01730/AS) - Conversion of existing barn/shed into two holiday lets – Not implemented.

Prior approval refused in 2014 (14/00615/AS) - Prior approval for a proposed change of use of existing single storey agricultural barn (in part) and land within its curtilage to a use as a single residential dwelling – Prior Approval was refused as considered that the barn was not solely in agricultural use.

## Consultations

**Ward Members:** No comments made.

**Parish Council:** Support the application.

**KCC Highways and Transportation:** Does not warrant their involvement.

**KCC Biodiversity:** No objection raised, noting the existing building is of low ecological value and that whilst the site is in close proximity to an SSSI and Ramsar site, there are constraints that would prevent the access of species reaching the site.

**Environment Agency:** No objection raised, subject to the development complying with the recommendations detailed in the FRA and recommend consideration is given to flood proofing measures to reduce the impact of flooding when it occurs.

**Environmental Services:** No objection, subject to condition on means to dispose of foul sewage.

**Neighbours:** 2 neighbours were consulted. A site notice was posted and the application was advertised in the press.

1 representation has been received providing a general comment that there must have been an oversight on the consultation process as they have not been consulted. (**JDCM response:** Notification has been sent to the Granary and a site notice posted within the immediate vicinity).

## Planning Policy

11. 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, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.
12. 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
EN32	Important trees and woodland

### **Local Development Framework Core Strategy 2008**

CS1	Guiding principles to development
CS2	The Borough wide strategy

CS6	The rural settlement hierarchy
CS9	Design quality
CS11	Biodiversity and Geological Construction
CS13	Range of Dwelling Types and Sizes
CS15	Transport
CS20	Sustainable Drainage

#### **Tenterden & Rural Sites DPD 2010**

TRS1	Minor residential development or infilling
TRS2	New residential development elsewhere
TRS17	Landscape character & design

#### **Local Plan to 2030**

SP1	Strategic Objectives
SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
HOU5	Residential Windfall Development in the Countryside
HOU12	Residential space standards internal
HOU13	Homes suitable for family occupation
HOU14	Accessibility Standards
HOU15	Private external open space
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA6	Cycling
ENV1	Biodiversity
ENV3	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting important rural features



ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

**Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

**Government Advice**

National Planning Policy Framework (NPPF) 2012

14. 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. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out presumption in favour of sustainable development
- Paragraph 17 sets out the core planning principles including every effort should be made objectively to identify and then meet the housing needs of

the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.

- Section 4 requires developments that generate significant amounts of movement should be supported by a Transport Statement.
- Section 6 sets out about delivering a wide choice of high quality homes, including plan for the needs of different groups in the community including older people.
- Section 7 sets out requiring good design.
- Section 11 sets out conserving and enhancing the natural environment.
- Section 12 sets out conserving and enhancing the historic environment

#### National Planning Policy Guidance (NPPG)

#### 15. Other Government Policy

Technical Housing Standards – Nationally described space standards

### **Assesment**

#### 16. The following issues are considered to be raised by the application

- Principle of development.
- Visual Amenity.
- Residential Amenity.
- Highway Safety and Parking.
- Flooding
- Ecology; and
- Drainage.

## Principle

17. Paragraphs 2 and 210 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
18. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a “golden thread running through decision-taking”. There are three dimensions to sustainable development: economic, social and environmental.
19. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
20. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 and states that for decision-taking this means:
  - approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted.
21. In the context of this application, the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that “minor development or infilling will be acceptable within the built-up confines of villages including Aldington. The preamble to policy TRS1 defines the built-up confines. For the purposes of an assessment against this definition, the application site would fall outside of the built-up confines. Policy TRS2 of the DPD states certain ‘exception criteria’ that could allow development outside of built-up confines, however, this proposal for a detached market dwelling fails to meet any of these.

22. In accordance with paragraph 14 of the framework, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Authority cannot currently demonstrate a 5 year housing land supply. This does not, however, lead to an automatic assumption that planning permission should be granted for residential development in locations that would otherwise have conflicted with development plan policies. Rather, in situations where the existing development plan policies have failed to secure a sufficient supply of deliverable housing sites, the framework seeks to ensure that the '*presumption in favour of sustainable development*' is duly applied. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.
23. Even if you were to fully discount relevant housing supply policies TRS1 and TRS2, the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
24. This proposal would have the economic and social benefit of providing a new home that would contribute towards meeting the housing needs of present and future generations, the weight attributable to which, is increased by the lack of a five year housing land supply. The proposal is also likely to provide some positive gains for the local economy in Appledore, in terms of job opportunities and sustaining local facilities and services. In support of this submission, the applicant's have argued that the scheme will provide purpose-built enhanced facilities for the young people in foster care. Whilst this may be beneficial, what is being applied for is a market residential dwelling and does not relate to any specific institutional use. Therefore, such an argument would not serve as a material consideration to the determination of this scheme. Notwithstanding this, such an institutional use would not meet the exception criteria as set out in Policy TRS2 of the Local Plan and Para. 55 of the NPPF.
25. However, the benefits outlined above need to be balanced against any adverse impacts/harm arising from the proposal.
26. The subject site is located around 1.5km from the nearest rural settlement of Appledore. Whilst the site incorporates a disused agricultural building, for the most part, the walk to both the village centre and nearest bus stop within the village would be along rural lanes that are unlit, with poor access (if any at all) to public footpaths. The site is therefore physically isolated from facilities and services, where any such development would not afford easy walking distance to a shop or facility in the adjoining settlement of Appledore.

27. Paragraph 55 of the National Planning Policy Framework seeks to avoid isolated new homes in the countryside. Whilst paragraph 55 states certain 'exception criteria' that could allow development in the countryside, none of these are considered to apply to the application being considered.
28. Given the above and the distance of the site from local services, facilities and public transport routes, prospective residents will invariably become over-reliant on motor vehicles for day to day living. This may be exacerbated by any particular medical or other specialist needs of the particular residents. This is contrary to policy CS15 of the Core Strategy which seeks to promote public transport and other non-car based modes of travel and the NPPF which also favours sustainable transport modes. Consequently, the proposed development is considered to fail to fulfil social and environmental aspects of sustainable development, as local services to meet the perspective occupier's needs would not be readily accessible thus encouraging reliance on unsustainable modes of transport. The poor location of the site and the increased car usage inherent to this would be materially harmful to sustainability. This issue is further compounded by the fact that the young people under care who would occupy the new dwelling would be solely reliant on motor vehicle transportation.
29. With reference to the exceptions cited in paragraph 55, the conclusions of the Planning and Design and Access Statement, refer to the re-use of a redundant or disused building suggests the proposals could fall to be considered against this criteria as the development would lead to visual improvements to the building on site and the landscape. In response, the application does not involve re-use of the building and would be much more intrusive.
30. In conclusion, officers cannot support the principle of the proposal for a detached dwelling in this unsustainable location, as it is inconsistent with the core principles of the NPPF and existing Local Plan policies and therefore is materially harmful to sustainability objectives.
31. In officer's view, the harm of a dwelling in this location would outweigh the benefits associated with the development, contrary to the provisions of local plan policies and the NPPF. It is not clear why the existing dwelling cannot be extended or replaced.
32. For the reasons above, the proposal is considered to be unacceptable in principle.

## Visual Impact

33. The site is located within the countryside.
34. Policy GP12 of the Local Plan seeks to protect the countryside for its own sake including for its landscape and scenic value. This criteria is echoed in policy TRS17 of the Tenterden and Rural Sites DPD, which amongst other things, states that development in the rural areas shall be designed in a way which protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area.
35. Relevant Core strategy policies CS1 and CS9 require good design, indicating that development proposals should be of a high quality design, should have a similar scale, height, layout and massing to surrounding buildings and should be rich in design and materials.
36. The above policies are consistent with the NPPF, which states that the planning system should protect and enhance valued landscapes.
37. The NPPF also seeks and ensure that new development responds positively to its context indicating that Local Planning Authorities should seek to promote or reinforce local distinctive.
38. The proposed dwelling would replace a large agricultural building that is typical for this rural location and which reads in context with the rural character of the site and locality. The surrounding dwellings are located in spacious plots and such grain of development is loose knit and largely sporadic. The introduction of a new purpose built dwelling which is larger than the agricultural building it replaces on this undeveloped (agricultural buildings are not classed as previously developed land) would appear unduly domestic in nature. Given the domestic appearance of the proposed building, this would represent a stark contrast with the existing agricultural building. As a consequence, the new dwelling would appear as an incongruous structure in the landscape and additionally harmful when viewed in the context of its rural surroundings. In addition, the incorporation of the site into garden land with associated parking and landscaping would adversely change the character and appearance of the site. Furthermore, given the siting of the dwelling, which is visible from the main road, it would clearly be seen as a large dwelling where the sites existing agricultural character would be lost, harmful to the character and appearance of the locality. (that does not positively contribute to the landscape) and it would be set back from the road.
39. Notwithstanding the above, the dwelling given its broken plan form, use of single storey elements/setbacks, pitched roof forms and traditional mixed

materials would be sympathetic to the traditional design, form and size of the adjacent buildings (including the Granary) and surrounding context. It would sit comfortably within its plot, have a clear and active relationship with the road.

40. Given the above, the proposed dwelling and associated domestication of its surroundings would be demonstrably harmful to the surrounding countryside..

### **Residential Amenity**

41. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
42. Whilst the proposed dwelling is set back from the Granary to the north east, the closest window at first floor of the proposed dwelling would be over 28m away and at an angle from the neighbouring dwelling and its private garden area. The remaining form of the proposed dwelling to the side (east) elevation facing this neighbour is single storey. Given this, there would be sufficient separation distance to ensure the development would not result in unacceptable overlooking and therefore harm to the privacy of the neighbouring occupiers of the Granary. Furthermore, given the relationship it would not result in an overbearing form of development to the occupiers of the Granary.
43. Given the siting and juxtaposition of the proposed dwelling to the neighbouring property Fairwinds and its window arrangement and single storey end-form, the development would not result in any adverse harm to the residential amenity of neighbouring occupiers.
44. The development would provide sufficient internal accommodation that would comply with the Nationally Described Space Standards and the garden is of a size which complies with the Councils Residential Space and Layout SPD for external amenity.
45. Given the above, I do not consider that the development would result in harm to the residential amenity of neighbouring or future occupiers in accordance with Local Plan policy and the NPPF.

### **Highway Safety and Parking**

46. Policy CS15 of the CS states that *“development proposals must show how all highway, public transport, walking and cycling needs arising from the*

*development will be satisfied and provide for the timely implementation of all necessary infrastructure.”*

47. Access to the site would be via an existing gated access which currently serves the dwelling of Fairwinds and has historically served the former agricultural building. The width of the access is relatively sizable and visibility at the access is good. The addition of one dwelling on the site is unlikely to result in any significant intensification in the use of the access over and above the existing use of the site.
48. The Councils Residential Parking SPD sets out the amount of parking required, which for a 3 bedroom dwelling, is two spaces and the emerging plan requires 3 spaces for this size of development. There would be adequate space within the application site to accommodate this.

### **Flooding**

49. A Flood Risk Assessment accompanies the application.
50. The site is at risk from tidal sources, however this is reduced through flood defences that provide a standard of protection up to 1 in 200 year scenario. The site is not at risk from any tidal breach scenario. The site is at risk however from fluvial sources (Flood Zone 2). The EA does not object in principle to the proposal, however does recommend an increase in floor levels to 300mm rather than the 150mm recommended in the FRA. The development would be acceptable in relation to making it safe against flood risk for future users.
51. The development would relate to vulnerable users within a Flood Zone 2 area for fluvial flooding, whilst new residential development would be subject to the Sequential Test, as set out within the NPPF. However, as this is a minor development, the sequential test does not apply.

### **Ecology**

52. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests.
53. The NPPF (Para. 18) clearly indicates that the planning system should contribute to and enhance the natural and local environment.



54. The building shows negligible potential for roosting bats and shows no clear signs of roosting potential, and does not meet the planning trigger list as identified by the Bat Conservation Trust (2016) *Bat Surveys for Professional Ecologists* for further surveys.
55. Whilst the site is located around 30m from a SSSI and Ramsar site, it is unlikely that the proposal would have a negative impact on the site. As the development site is separated from the SSSI by a road as well as a ground ditch which would prevent access from protected species using the subject site. KCC Biodiversity have been consulted and raise no objection.
56. Given the above, the development would not result in any harm to protected species.

### **Drainage**

57. The application is not supported by any information relating to the management of surface water.
58. Subject to the driveway / access track being made of a permeable surface it is acknowledged that any increase in impermeable area (based on the information available) is likely to be minimal given the existing building it replaces.
59. As a minimum the runoff from the proposed site should not exacerbate flood risk via an increase in surface water runoff in comparison to the existing situation, as required within ABC's Sustainable Drainage SPD.
60. Overall, there is no objection to the development on grounds relating to drainage subject to a condition (if planning permission is granted) securing further details to ensure compliance with the Council's SPD.

### **Human Rights Issues**

61. 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**

62. 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**

63. By virtue of its isolation, which is considered to be materially harmful to sustainability, the development is considered to fail to fulfil aspects of the environmental and social role of sustainable development as set out in the NPPF. Local services such as shops, schools or other facilities are not readily accessible from the site other than by motor vehicle. Significant weight is therefore afforded to this issue. The development is therefore contrary to adopted development plan policies relevant to the topic area and identified in the preceding paragraphs.
64. In terms of balancing the harm identified against the benefits of the scheme. In this particular instance, this proposal would have the economic and social benefit of providing a new home, the weight attributable to which, is increased by the lack of a five year housing land supply. The proposal is also likely to provide some positive gains for the local economy, in terms of job opportunities and sustaining facilities and services in the nearest rural settlement and elsewhere in the borough and particularly asserted in this case the development would provide enhanced accommodation for young people in care. However, the proposal would only provide one dwelling and what is being applied for is a market dwelling, where this would not significantly contribute to the matter of under supply. As such, the weight attached to these benefits is limited.
65. Consequently, on balance, the benefits of the scheme are significantly and demonstrably outweighed by the environmental harm identified to the natural and built environment through sustainability objectives.
66. In conclusion, when applying paragraph 14 of the Framework for the reasons set out in the report, the proposal would represent an unsustainable form of development and I therefore recommend that it is refused.

## **Recommendation**

### **Refuse**

**on the following grounds:**

The proposal is contrary to policy GP12 of the Ashford Borough Local Plan 2000, Policies CS1, CS2, CS6, CS9 and CS15 of the Local Development Ashford Borough Council Framework Core Strategy 2008; Policy TRS1, TRS2 and TRS17 of the Tenterden and Rural Sites DPD, Policies SP1, SP2, SP6 and HOU5 of the Ashford Local Plan 2030 (consultation draft), Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed development would result in an unjustified and isolated new home in an unsustainable location in the countryside, outside the built confines of any existing settlement, thus encouraging reliance on unsustainable modes of transport such as the car. On this basis the proposed development would result in significant and demonstrable harm, due to its lack of sustainability which does not outweigh the benefits associated with it.
  - The proposed development would result in inappropriate sporadic residential development within the countryside. The proposed dwelling, by virtue of its domestic appearance, size over the existing agricultural building and form, would be out of character with the established visual character of the local area and fail to respond positively to its context. Together with the domestication of the surroundings, the development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character and cause significant and demonstrable harm to the landscape quality. The benefits associated with the development would not outweigh this harm.

## **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

- the agent was updated of any issues after the initial site visit,
- 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](http://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 16/01755/AS)

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