

<b>Application Number</b>	16/01835/AS	
<b>Location</b>	Agricultural Building at, Mackley Farm, Knock Hill, Stone, Kent	
<b>Grid Reference</b>	94358/26576	
<b>Parish Council</b>	Stone-Cum-Ebony	
<b>Ward</b>	Isle of Oxney	
<b>Application Description</b>	Demolition of existing agricultural building and erection of new building to comprise a single dwelling with associated parking and change of use of agricultural land to garden.	
<b>Applicant</b>	Mr M Brignall, c/o Ms Jane Scott, Hobbs Parker Property Consultants LLP, Romney House, Monument Way, Orbital Park, Ashford, Kent, TN24 0HB	
<b>Agent</b>	Ms Jane Scott, Hobbs Parker Property Consultants LLP, Romney House, Monument Way, Orbital Park, Ashford, Kent, TN24 0HB	
<b>Site Area</b>	0.22 hectares	
(a) 2 / -	(b) S	(c) EH (ES) - X, KCC BIO - X

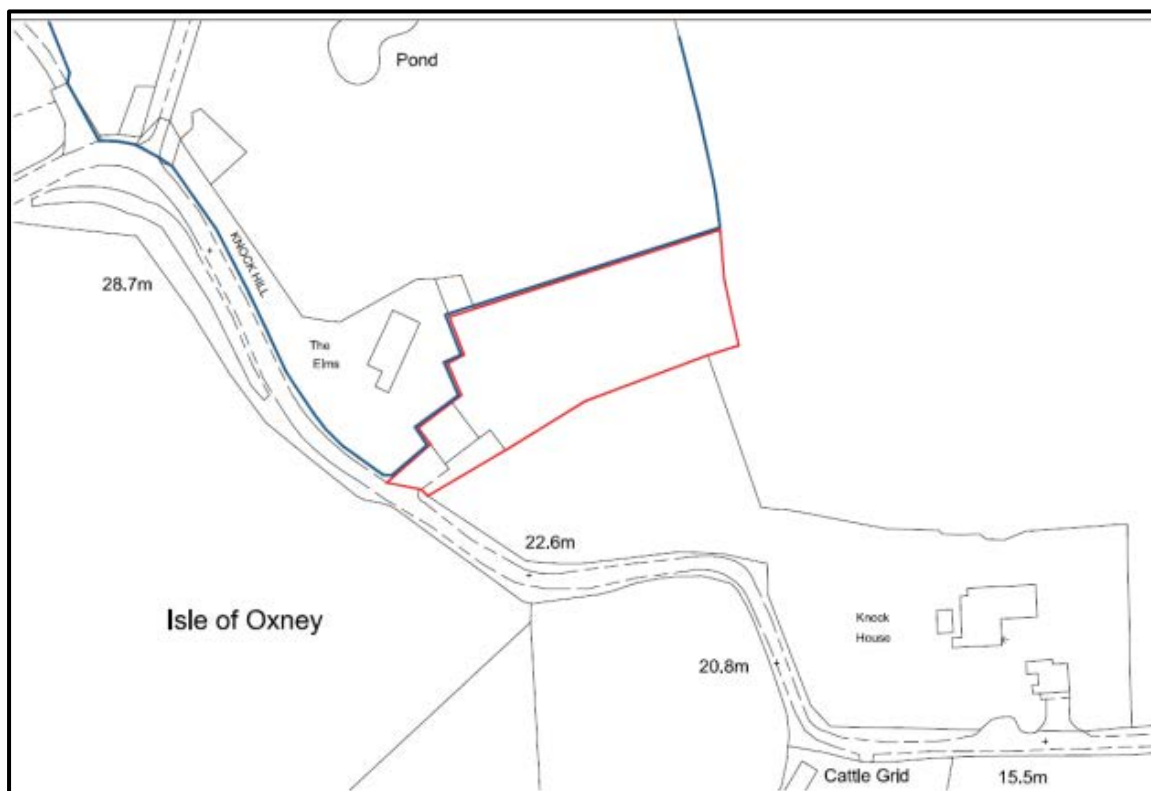
## Introduction

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

## Site and Surroundings

2. The application site lies outside the built confines of Appledore, located 3.5km to the north east, and 1km away from the small hamlet of Stone-Cum-Ebony to the north west. The site is positioned on a hill located within the open countryside and within an area of land designated as the High Weald AONB. The site is not located within any flood zones.
3. The site comprises 0.22 hectares of agricultural land and contains a single storey redundant farm building. To the immediate north is a small bungalow (The Elms) which is elevated above the site and to south east is the nearest other dwelling (Knock House).

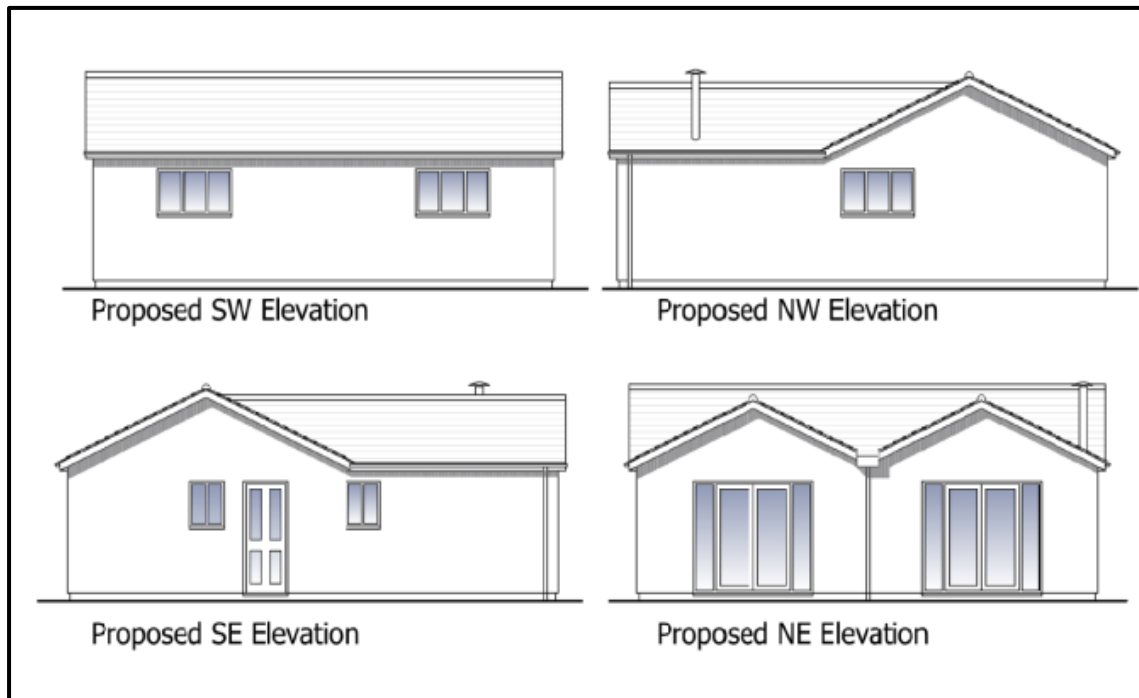
4. A plan showing the application site in relation to its surroundings is set out below as well as attached as an annex to this report.



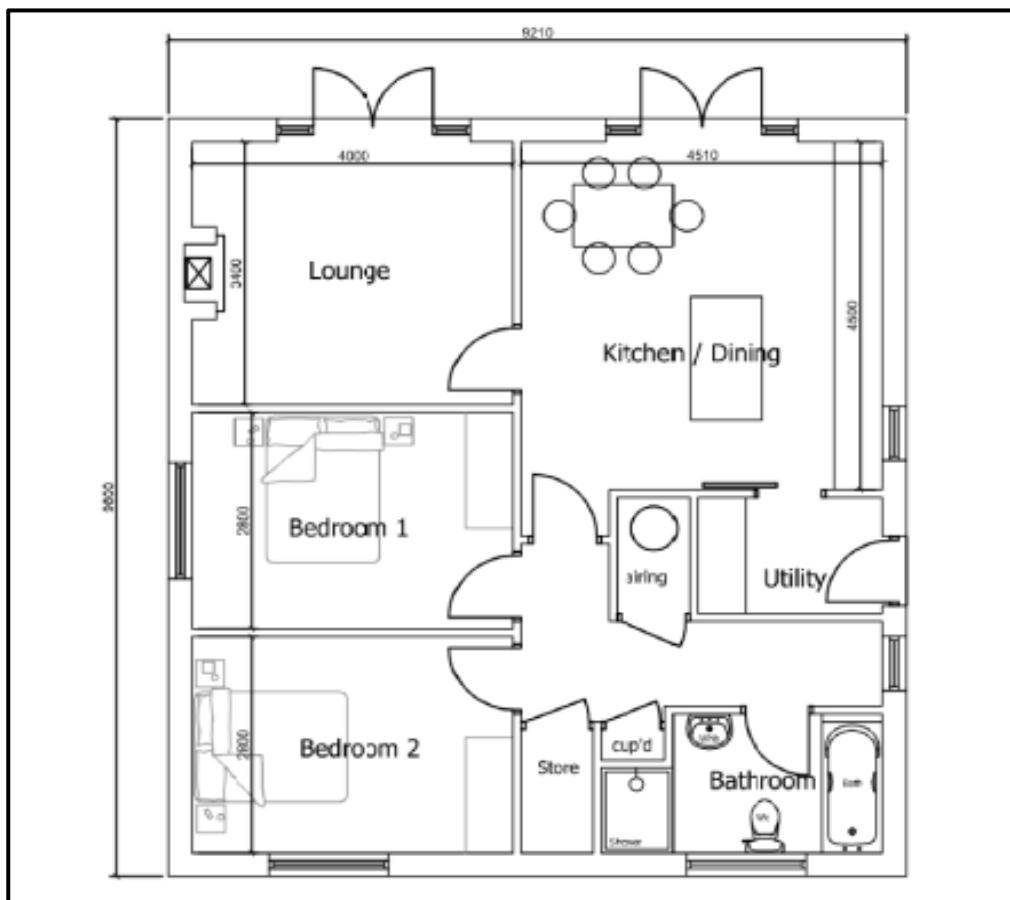
**Figure 1 Site Location Plan**

## Proposal

5. The application seeks full planning permission for the demolition of the existing redundant agricultural building and the erection of a detached bungalow in its place, with associated parking and garden.
6. Externally, the new building would be finished in an off white render with a red brick plinth and a brown plain tile roof. The building would be rectangular in plan form with a pitched roof with gable ends to the front and a twin pitched roof element with gables to the rear. Internally, its accommodation comprises a kitchen/diner with utility room, lounge, two bedrooms and a bathroom.



**Figure 2 Proposed Elevations of bungalow**

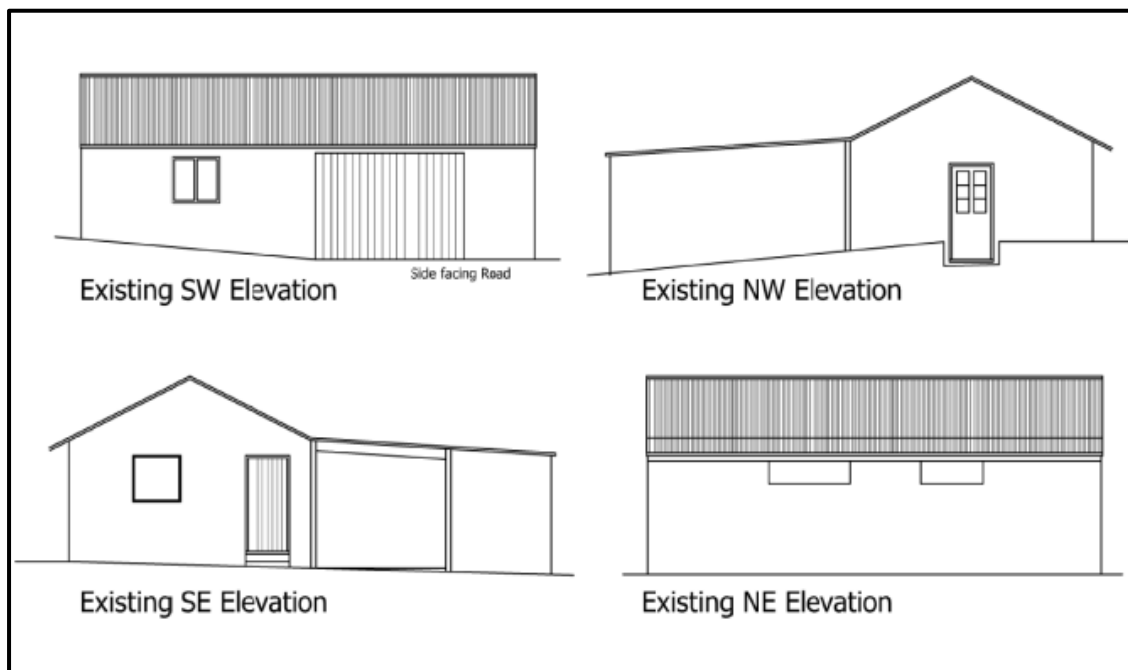


**Figure 3 Proposed Floor Plan of bungalow**

7. The existing vehicular access from Knock Hill would be used to access the proposed dwelling.
8. In support of the application, the agent makes the following comments:
  - the existing building given its size has become surplus to farming requirements and its prominent location has a negative visual appearance within the AONB;
  - the building is capable of conversion and if the site was not within an AONB, it would benefit from the provisions of the Town and Country (General Permitted Development) Order 2015 (under Class Q) for a change of use and conversion to a dwelling;
  - the replacement of this non-descript building with a similar building in size and form that is of modern standards will lead to a visual enhancement of the land and result in a more sustainable building than converting it;
  - other uses such as for employment and tourism have been considered, but are not viable given the potential harm to the residential amenity of The Elms and the lack of need for further tourist accommodation in the local area; and,
  - the Council does not have an up-to-date 5 year deliverable housing supply.
9. An Ecology Appraisal has also been submitted in support of the application, which found the following:
  - it is unlikely that Great Crested Newts would be present on site
  - the site contains suitable habitat for reptiles;
  - the site has high potential to support breeding birds;
  - the site has no potential to support dormouse and no setts or signs of badgers were identified;
  - no bats or signs of bats were found but the surrounding area is likely to be used by foraging and commuting bats; and,
  - the site has moderate potential to support hedgehogs and makes a number of recommendations to protect habitats from damage during works, including the protection of trees, the timing of works outside of the

bird nesting season and biodiversity enhancements. These could be controlled by condition.

10. Elevations of the existing building are shown below:



**Figure 4 Existing agricultural building elevations to be replaced**

## Planning History

11. There is no relevant planning history.

## Consultations

**Ward Member:** The Ward Member is a Member of the Planning Committee.

**Stone cum Ebony Parish Council:** Support the application.

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

**KCC Biodiversity:** No objection raised, subject to a condition securing biodiversity enhancements and an informative advising that any works to trees should be undertaken outside of the bird breeding season.

**Neighbours:** 2 neighbours were consulted. A site notice was posted and the application was advertised in the press. No representations have been received.

## Planning Policy

12. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, 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 ended on 10 August 2016. At present the policies in this emerging plan can be accorded little or no weight.
13. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

GP12 Protecting the countryside and managing change

EN31 Important Habitats

EN32 Important trees and woodland

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

CS1 Guiding principles to development

CS9 Design quality

CS11 Biodiversity and Geological Construction

CS15 Transport

CS20 Sustainable Drainage

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

TRS2 New residential development elsewhere

TRS17 Landscape character & design

### **Local Plan to 2030**

SP1 Strategic Objectives

SP2 Strategic Approach to Housing Delivery

SP6	Promoting High Quality Design
HOU5	Residential Windfall Development in the Countryside
HOU12	Residential space standards internal
HOU15	Private external open space
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV3	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting important rural features
ENV7	Water Efficiency
ENV9	Sustainable Drainage

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

**Supplementary Planning Guidance/Documents**

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

## **Government Advice**

### National Planning Policy Framework (NPPF) 2012

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

- Paragraph 14 sets out the presumption in favour of sustainable development and what this means for decision-taking (including where the Development Plan is considered out-of-date).
- 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; 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; and contribute to conserving and enhancing the natural environment.
- Paragraphs 47, 48 and 49 require Local Planning Authorities to identify a deliverable five year housing supply and consider housing applications in the context of the presumption in favour of sustainable development and states that relevant housing supply policies should be considered out-of-date if the Local Planning Authority cannot demonstrate a five year housing supply.
- Section 7 states that good design is a key aspect of sustainable development.
- Section 11 requires the planning system to contribute to and enhance the natural environment, encourages the effective use of previously development land, provided it is not of high environmental value, minimise impacts on biodiversity and give great weight to conserving landscape and scenic beauty in AONBs.

### National Planning Policy Guidance (NPPG)

16. **Other Government Policy**

Technical Housing Standards – Nationally described space standards



## Assessment

17. The following issues are considered to be raised by the application:

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

## Principle

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the 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.
19. 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 and to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
20. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
21. 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.
22. In the context of this application, the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural Sites DPD. Policy TRS1 states that “minor development or infilling will be acceptable within the built-up confines of villages including Appledore (the nearest settlement identified for minor development). The preamble to policy TRS1 defines the built-up confines. The application site falls outside of the built-up confines of Appledore by a significant distance. Policy TRS2 of the Tenterden and Rural Sites 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.
23. In accordance with paragraph 14 of the NPPF, 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.
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. However, the development is only for a single dwelling and so this contribution, along with any economic benefits, would be limited.
25. However, the benefits outlined in the above paragraph need to be balanced against any adverse impacts/harm arising from the proposal.
26. The subject site is located around 3.5km 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 narrow 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 nearest settlement of Appledore and it is also physically isolated from the small hamlet of Stone-Cum-Ebony over 1km away to the north west. Given this and the fact it only has one immediate neighbour the site is visually isolated and surrounded mostly by countryside.

27. Paragraph 55 of the NPPF seeks to avoid isolated new homes in the countryside. Whilst paragraph 55 states certain 'exception criteria' 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 would invariably become over-reliant on motor vehicles for day to day living. This is contrary to policy CS15 of the Core Strategy 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 and so would be materially harmful to sustainability objectives.
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 and the development leading to visual improvements to the site and the landscape by replacing it. In response to this, the application does not involve the re-use of the building and would be much more intrusive for the reasons given in the Visual Amenity section of this report.
30. In addition, an argument is made that if the site was not within a designated area of land, it would benefit from permitted development rights afforded under the Town and Country (General Permitted Development) Order 2015 (Class Q) for a change of use and conversion from agricultural to a dwelling. In response to this, the argument cannot be considered material to the merits of this proposal as it was considered by Central Government and the Secretary of State in the provisions set out in the legislation, that areas of special designation should be afforded greater protection and therefore such changes of use and conversion of buildings were not considered suitable within these areas due to the potential significant harm through the domestication of the countryside/AONB. As such there is no fall-back position. In any event the scheme is not for a conversion but a rebuild.

31. In conclusion, officers cannot support the principle of the proposal for a detached dwelling in this unsustainable location in this case, as it is inconsistent with the core principles of the NPPF and existing adopted and emerging Local Plan policies and is materially harmful to sustainability objectives.

### **Visual Impact**

32. The site is in an isolated location outside the village of Appledore and forms part of the High Weald AONB. The site is largely undeveloped, with one small agricultural building located on it (to be replaced). The agent argues this will lead to an enhancement of the site. This building is small in size and of a functional appearance that is typical for this location, which reads in context with the rural character of the site. The nearby dwelling is small and traditional in size and the other nearest dwelling is over 125m to the south east. The character therefore of the land and locality is largely undeveloped and rural.
33. The bungalow proposed is of a similar size to the existing agricultural building. The design of the bungalow is very simple and unassuming.
34. The proposed garden would significantly extend beyond that of the neighbouring dwelling the Elms, encroaching into the countryside and significantly changing the rural character and appearance of the site and its surroundings. What is currently a site of rural appearance would take on a domestic character through the introduction of a range of domestic paraphernalia such as washing lines, garden furniture, children's play equipment and incidental outbuildings that are likely future additions.
35. The existing building and site is not visually intrusive at present. The replacement bungalow would not represent a significant visual enhancement over the existing building and the domestication of the site as a whole would be demonstrably harmful to the rural surroundings of the AONB which are given significant protection by the NPPF.

### **Residential Amenity**

36. Whilst the proposed dwelling would be adjacent to The Elms to the north, given its single storey height and its siting, the development would not result in unacceptable overlooking to this neighbouring dwelling and its garden area or be overbearing on it. The other nearest dwelling is 125m away from the site. The development therefore would not result in harm to the residential amenity of existing residents.
37. The development would provide sufficient internal accommodation to comply with the Nationally Described Space Standards and the garden is of a size

which considerably exceeds the Council's Residential Space and Layout SPD.

38. The development would not result in harm to the residential amenity of future occupiers..

### **Highway Safety and Parking**

39. Access to the site would be via an existing access which currently serves the dwelling of The Elms and has historically served the former redundant agricultural building. The addition of one dwelling on the site would not result in a significant intensification in the use of the access over and above the existing situation.
40. In terms of parking, whilst parking is not shown on the plans submitted, there would be adequate space within the application site to accommodate two parking spaces, in accordance with the Council's residential parking standards.
41. Given the above, the development would not be harmful to highway safety.

### **Ecology**

42. The habitat survey found the development would not have an adverse impact on ecology subject to it being carried out in accordance with the recommendations made, which can be controlled by condition should permission be granted.
43. KCC Biodiversity raise no objection.
44. Given the above, the development would not result in any harm to matters of ecological importance.

### **Human Rights Issues**

45. 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**

46. 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**

47. The proposal seeks a new dwelling in an isolated location within the countryside/AONB in a manner contrary to the NPPF and the Development Plan. In accordance with The Act and the NPPF planning permission should be refused unless material considerations justify otherwise. The proposal would allow the removal of a former agricultural building however this is not visually intrusive in the landscape and its replacement with a simply designed bungalow of a similar size and form would not result in any real visual enhancement. The large garden proposed and associated domestication would significantly change the rural appearance of the AONB to its detriment. Further the isolated nature of the site means local services such as shops, schools or other facilities are not readily accessible from the site other than by motor vehicle. The development is therefore unsustainable.
48. In terms of balancing the harm identified against the benefits of the scheme, in this particular instance, this proposal would have some limited economic and social benefit of providing a new home and would make a small contribution to the under supply of housing in the Borough. 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. However, the proposal would only provide one dwelling, where this would not significantly contribute to the matter of under supply. As such, the weight attached to these benefits is limited.
49. Consequently, on balance, the benefits of the scheme are significantly and demonstrably outweighed by the environmental harm identified to the natural environment, contrary to the adopted Development Plan, emerging Development Plan and the NPPF.

## **Recommendation**

### **Refuse**

**on the following grounds:**

The proposal is contrary to policy GP12 of the Ashford Borough Local Plan (June 2000), Policies CS1 and CS15 of the Local Development Framework Core Strategy (July 2008); Policies TRS2 and TRS17 of the Tenterden and Rural Sites Development Plan Document (October 2010), Policies SP1 and HOU5 of the Ashford Local Plan 2030 (consultation draft) and 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.
2. The proposed development would result in inappropriate sporadic residential development within the countryside. The proposed dwelling, by virtue of its domestic appearance and form, over the existing agricultural building, together with the domestication of the surroundings, would appear visually incongruous in its context, in a manner that would diminish the countryside character and cause demonstrable harm to the landscape quality of the High Weald Area of Outstanding Natural Beauty. The benefits associated with the development would not outweigh this harm.

### **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 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 16/01835/AS.

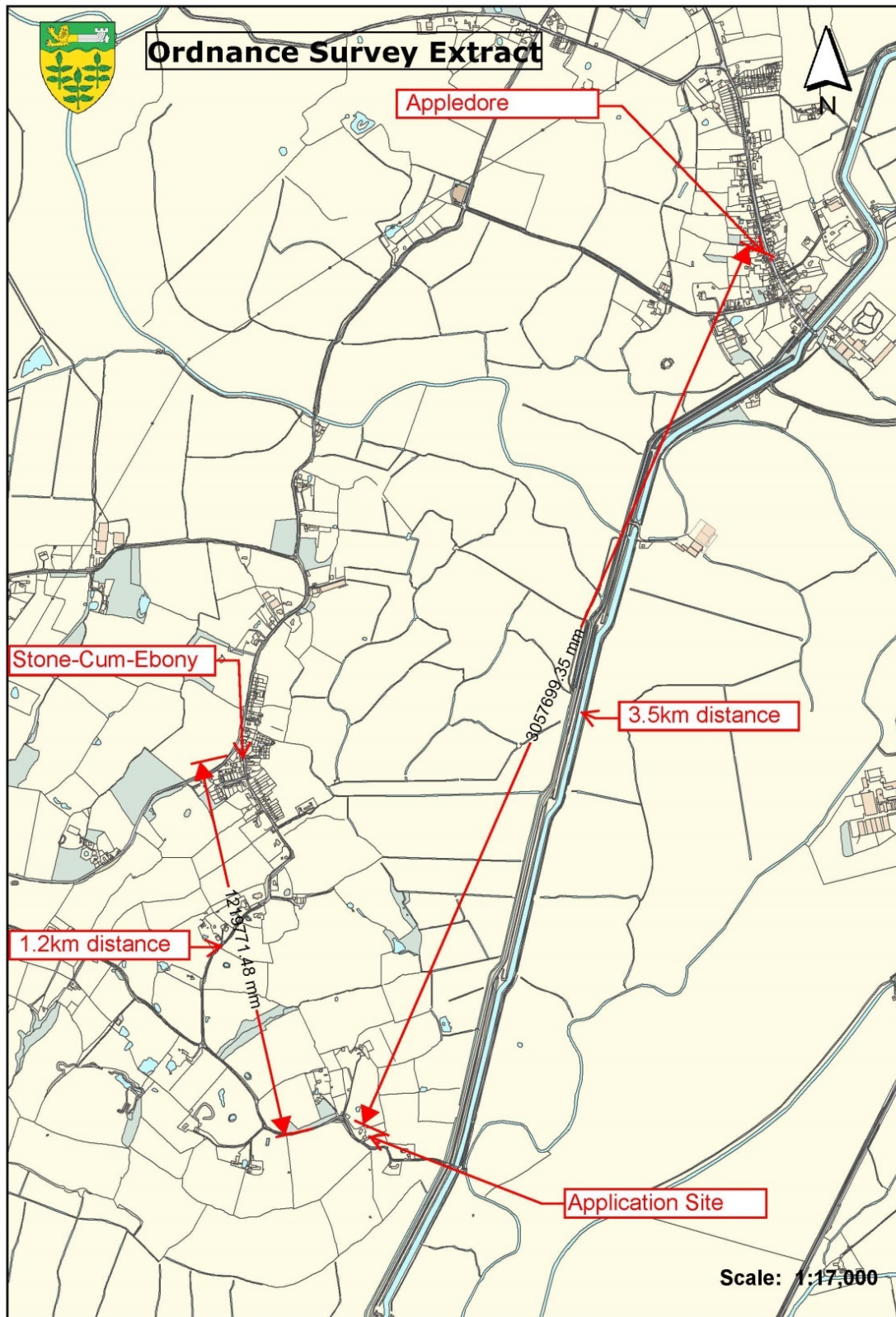
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Annex 1a



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