



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 7th June, 2023 at 7.00 pm.

The proposed Members of the Planning Committee are:-

Cllrs. Cllr Ovenden (Chairman)
Cllr Blanford (Vice-Chairman)

Cllrs Betty, Brunger-Randall, Chilton, Forest, Gathern, Harman, Heyes, Iliffe,
Mulholland, Nilsson, Spain, Walder (ex-Officio Member TBC)

If any member of the public, Councillor or organisation wishes to submit any written, pictorial or diagrammatic material to the Planning Committee relating to any item on this Agenda, this must be **concise** and must be **received by the Contact Officer specified at the end of the relevant report**, and also copied to Planning.help@ashford.gov.uk, **before 3.00 pm on the second working day before the Meeting** so that it can be included or summarised in the Update Report at the Meeting, in the interests of transparency and fairness. Otherwise, the material cannot be made available to the Committee. Material should be submitted as above at the earliest opportunity and you should check that it has been received.

IMPORTANT INFORMATION FOR THE PUBLIC ABOUT THIS MEETING

This is a public meeting and the Council encourages everyone to take advantage of the opportunity to watch and listen to the proceedings at the Meeting via a weblink, which will be publicised on the Council's website at www.ashford.gov.uk about 24 hours before the Meeting.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure
Rule 1.2(c) and Appendix 4

2. **Declarations of Interest**

5 - 6

To declare any interests which fall under the following categories, as
explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)

c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

3. **Public Participation**

7 - 8

To be informed of arrangements made for public participation in the Meeting.

See Agenda Item 3 for details.

4. **Officers' Deferral/Withdrawal of Reports**

5. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 19th April 2023

[\(Public Pack\)Minutes Document for Planning Committee, 19/04/2023 19:00 \(moderngov.co.uk\)](#)

6. **Schedule of Applications**

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:
"To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee".

(a) **PA/2023/0518 - Park South Side Of, Elwick Road, Ashford, Kent TN23 1NN**

9 - 20

Renewal of the existing temporary planning permission Ref 20/00065/AS, (Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins)

(b) **21/00100/AS - Pinnock Yard, The Pinnock, Pluckley**

21 - 40

Erection of 2 dwellings along with associated parking, bin store & bike store

(c) **PA/2022/2850 - Hegg Hill House, Smarden Bell Road, Smarden, Ashford, Kent TN27 8NX**

41 - 50

Amendment to omit the dressing room area and reposition the WC and basin to the previously approved proposal (20/00859/AS), installation of secondary glazing to two existing windows, false floor and extractor duct tile vent on external wall.

Erection of a new dwelling and landscaping

Note for each Application:

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

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

Note on Votes at Planning Committee Meetings:

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS
26 May 2023

Queries concerning this agenda? Please contact Member Services 01233 330564 Email: membersservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a Dispensation has been granted in advance, to speak and/or vote).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a Dispensation has been granted in advance, to participate in discussion and/or vote). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency or good governance reasons, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, OR having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias (similar to that arising when a Member has made his/her views known in advance of the meeting), and require the Member to take no part in any motion or vote.

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

If in doubt about any matters that they may need to declare, Members should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer, the Deputy

Monitoring Officer, or other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.

Agenda Item 3

Summary of the Scheme of Public Participation for Planning Committee Meetings

1. **Written notice of a wish to speak at the meeting** (by means of either procedure below) **must be given, either to membersservices@ashford.gov.uk or on the Council's website at <https://secure.ashford.gov.uk/committeesystem/haveyoursay.aspx>, by 15:00 hours on the second working day before the meeting.**

Hence, for example, for meetings of the Planning Committee on Wednesdays:-

- (i) If there is no Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the Monday.
- (ii) If there is a Bank Holiday on the Monday preceding the meeting, written notice must be given by 15:00 hours on the preceding Friday.
- (iii) If the meeting immediately follows the Easter Weekend, written notice must be given by 15:00 hours on Maundy Thursday.

2. Registering to speak at the meeting confers the right to either make a speech in **person or submit a speech to be read on your behalf by a Council Officer, as follows:**

- (i) on a first-come, first-served basis, **one speech in support of**, and **one speech against**, an item for decision, or
- (ii) as a duly-authorized representative of the Parish Council¹ or Community Forum affected by an item for decision.

3. Those who have registered to speak and wish a Council Officer to read their speech on their behalf must submit a copy of the speech to membersservices@ashford.gov.uk by 10.00 hours on the day of the meeting. The speech must be no longer than 400 words, and must be in English and in a 12-point non-italic sans-serif font (e.g. Arial); any text above 400 words will not be read out. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Late or incorrectly-presented copies of speeches cannot be accepted, but any registered speakers who do not submit their speeches as above may speak in person at the meeting as set out below

4. At the meeting:-

(i) Speakers who are **present in person** may speak to the meeting for a **maximum of 3 minutes** when called to do so. No speech should contain personal data about individuals, other than the speaker's name and (if relevant) postal address. Please note there is no ability to present any material such as photographs or diagrams at the meeting.

(ii) If speakers are **not present in person**, but had previously submitted speeches as above, their submitted speeches will be read to the meeting by a competent

¹ The term "Parish Council" includes Town Councils and Community Councils.

Officer for and on behalf of the speakers, at the normal times and in the normal order (subject to the Chairman's normal discretion).

IMPORTANT:

An Officer reading any speech on behalf of any speaker shall have discretion to omit/edit out any inappropriate language, information or statements.

If any defamation, insult, personal or confidential information, etc. is contained in any speech received from any speaker, and/or is read to the meeting by an Officer, each speaker accepts by submitting the speech to be fully responsible for all consequences, thereof and to indemnify the Officer and the Council accordingly.

Application Number	<u>PA/2023/0518</u>	
Location	Park South Side Of, Elwick Road, Ashford, Kent TN23 1NN	
Grid Reference	00977/42413	
Parish Council	None	
Ward	Victoria	
Application Description	Renewal of the existing temporary planning permission Ref 20/00065/AS, (Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins)	
Applicant	Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL	
Agent	Mr Adam Hayes C/O Ashford Borough Council	
Site Area	0.31 Hectares	
(a) /	(b)	(c) KHS 'X', SWS 'X,' HS1 'R' NR 'X'

Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council.

Site and Surroundings

2. The application site consists of an area of hard standing (concrete and tarmac) which has been utilised as a temporary car park since 2017. The site is relatively flat and is enclosed by high wire mesh and metal palisade fencing. It is bounded by Elwick Road to the north, the domestic and CTRL railway lines adjoin part of its southern boundary and a further public car park lies to the south and south-east.

3. To the west of the site is currently vacant land adjacent to the Elwick Place commercial complex. This area to the west and the western half of the application site forms the application site for an application for the development of up to 200 flats (ref 21/02219/AS). The Council's Planning Committee resolved to approve this application in March 2022, subject to an Appropriate Assessment to identify suitable Stodmarsh mitigation measures and a section 106 agreement.
4. The Ashford Town Centre conservation area extends to the north of the site, on the opposite side of Elwick Road. The site location plan is shown in figure 1 below and Annex 1.

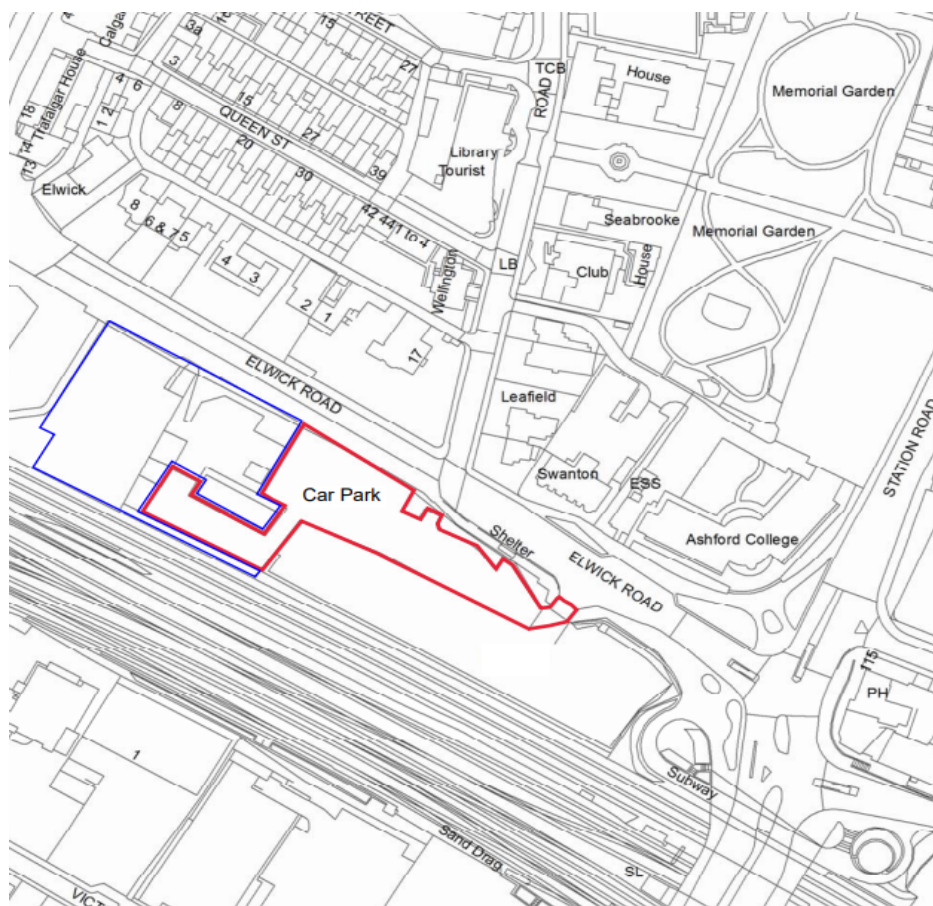


Figure 1: Site location plan.

Proposal

5. The application seeks a renewal of the existing temporary planning permission Ref 20/00065/AS granted on the 19th May 2020 for the change of

use of the site from its previous condition into a temporary car park. The temporary car park provides for 107 spaces and replaces parking spaces lost at Dover Place with the construction of the Commercial Quarter's new office building as well as to assist parking on the K College campus, which is opposite the site. It has an existing access onto Elwick Road which also serves the adjoining car park. The layout of the car park is shown in figure 2 below.

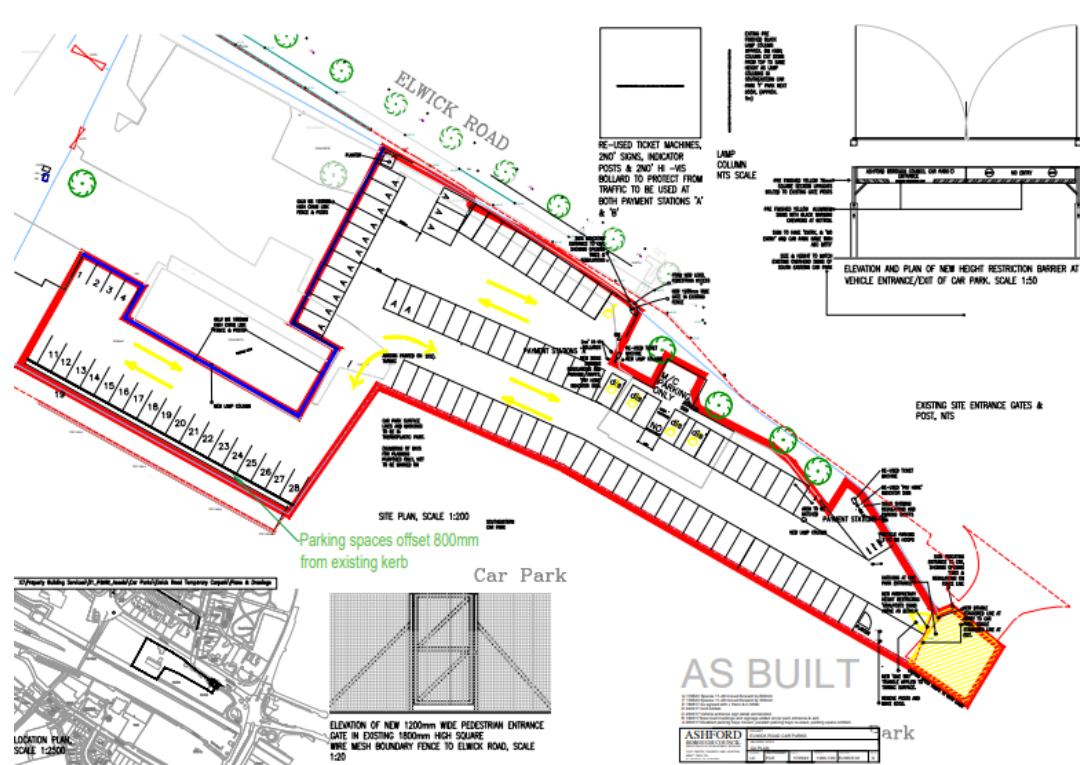


Figure 2: Car park layout.

- The previous temporary planning permission required the use to cease after 3 years, unless the Local Planning Authority had in the meantime granted planning permission for a further period, or upon the first residential occupation of the redevelopment of the land pursuant to the planning application for residential development of up to 200 flats.

Planning History

- The following is relevant relating to the application:

15/01282/AS – Outline application for development of up to 200 residential units (PERMITTED 22/02/2019 – part of the site)

17/00201/AS – Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins (PERMITTED 21/04/2017).

20/00065/AS - Renewal of temporary planning permission Ref 17/00201/AS (Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins) (Permitted May 2020)

21/02219/AS - Reserved matters application to consider details of access, layout, scale, landscaping and appearance pursuant to Condition 1 (Approval of Reserved Matters) of Planning Permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements - Planning Committee resolved to grant reserved matters subject to submission of an Appropriate Assessment to identify suitable stoddmarsh mitigation measures and section 106 agreement: (March 2022)

Consultations

Ward Member(s): No comments received.

Kent Highways and Transportation: Comment. “I have no objections to the proposals in respect of highway matters subject to the previous planning condition attached to 20/0065/AS being attached to any future temporary planning permission for a further 3 year period”.

HS1 comment: “We are concerned that cars parked up against the boundary fence are potentially reducing the height of the boundary fence and allowing unauthorised access onto the railway. We therefore feel that a site inspection may be necessary in order to exhaust all potential trespass opportunities”.

Network Rail: Confirm if the parking bays are moved back from the fence that signs stating no parking in the exclusion zone are provided.

Southern Water: Enclose a map showing the approximate position of the existing public surface water sewer within the development site (along Elwick Road and outside the application site).

Planning Policy

8. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

Emerging Neighbourhood Plans

9. Not part of the Development Plan but noteworthy are (i) the Boughton Aluph & Eastwell Neighbourhood Plan that is proposed to be adopted by the Borough Council in the near future, (ii) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (iii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process.

10. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives.

TRA2 – Strategic Public Parking Facilities.

SP6 – Promoting High Quality Design.

ENV14 – Conservation Areas.

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

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework (NPPF) 2021

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states 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:- (a) the presumption in favour of sustainable development (para 11) (b) building a strong, competitive economy (para 81 to 83) (c) promoting sustainable transport (para 104-109) (d) meeting the challenge of climate change and flooding (para 152 - 169) (f) conserving and enhancing the natural environment (para 174 - 182). Ground conditions and pollution (183 - 188). Conserving and enhance the historic environment (para 189 – 208).

Assessment

13. The application site has no specific site allocation in the current Ashford Local Plan. It was previously part of the wider site planning policy area allocation in the now superseded Ashford Town Centre Area Action Plan for mixed commercial and residential development south of Elwick Road. Subsequent planning applications within this area include the development of Elwick Place and the outline planning permission and reserved matters approval resolution for the 200 flats on part of this application site.
14. Policy TRA2 of the Ashford Local Plan 2030 stipulates that any proposals which would involve the removal or capacity reduction of a publically available car parking facility in the town centre will be refused, unless it has been agreed with the Borough Council that the facility is either no longer required, or the alternative provision of parking spaces can be delivered in a suitable location. The primary logic behind this application is to maintain and preserve the public parking spaces currently available on site, until the time arises where the land may be redeveloped.
15. Although the current proposal does not feature as an allocated site for parking provision in the Ashford Local Plan, it serves an important purpose providing parking within easy walking distance of the town centre. The applicant has consistently reiterated that there is no intention to create a permanent car park at this site, and that the car park will only be retained until the multi-storey car parks mentioned in Local Plan policy TRA2 are delivered. I therefore consider that this car park on Elwick Road continues to serve a useful purpose for the town centre.
16. HS1 and Network Rail have commented about cars being parked up near to the car park's 1.8m high southern wire boundary fence which allows cars to be used to jump over the fence and then access the railway's solid boundary wall just beyond. Very sadly, they confirmed a suicide from this stretch of land last year.

17. There is already an existing small verge area around 700-750mm deep between the car park spaces and fence with a low concrete kerb. Following discussions with Network Rail and HS1 it is proposed to move back the southern parking bays a further 800mm from the verge and then hatch this area to prevent parking in this area. This would allow for a greater distance of separation between the parked cars and the fence of around 1500mm. Signage would also be introduced stating no parking within the hatched area. This would remove the opportunity for cars to be used to help scale the fence.
18. It is noted that the adjoining car park has a grass verge area between its southern boundary car park spaces and fence of a similar depth. If planning permission is granted then these works are proposed to be completed within 4 weeks and I propose a condition to require their implementation.
19. The development would not prejudice important views into or out of the adjoining conservation area to the north of Elwick Road, in accordance with policy ENV14 of the Ashford Local Plan.
20. The western part of the site has a resolution to grant reserved matters consent for 200 residential units (21/02219/AS). The timeframe for issuing this decision and construction of the development is currently unknown as it is dependent on mitigation for its impact on the Stodmarsh protected sites being agreed. Nonetheless, as the site is owned by Ashford Borough Council, the continued use of the car park subject of this application would not prejudice any residential development of the site.
21. This is the third renewal of the temporary planning permission. National Planning Guidance on planning conditions states it would be rarely justified to grant further temporary permissions for the same development. In this case, I propose that the permission is not subject to a further temporary time period and instead I propose that the use is limited to the occupation of the adjoining residential flatted scheme, whenever this comes forward. This matter is dealt with by recommended condition 2 below.

Human Rights Issues

22. 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

23. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

24. The site has not been allocated for car parking in the Local Plan. The two previously temporary planning permissions were on the basis the use would cease on occupation of the redevelopment of part of the site and adjoining land. As the site is owned by Ashford Borough Council, the continued use of the car park subject of this application would not prejudice any potential residential development on the site. In the meantime, the car park would continue to help support the town centre in the short-term, and would not hinder development opportunities in the long-term.
25. The parking bays to the southern boundary are to be set back in view of the concerns raised by HS1 and Network Rail about unauthorised access onto the railway line. This amendment to the scheme will help address the concerns raised.
26. In view of the above, I recommend that planning permission be granted, subject to conditions.

Recommendation

Permit

Subject to the following Conditions and Notes:

- 1) The application shall be carried out in accordance with the following approved plans

Drawing number ELWICK 02 revision G.

Reason: Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interests of visual amenity

- 2) The use hereby permitted shall be discontinued upon the first residential occupation of the redevelopment of land pursuant to outline planning permission 15/01282/AS and any subsequently reserved matters approval for up to 200 residential dwellings which includes part of the temporary car park.

Reason: To ensure that the application site is available for more comprehensive redevelopment south of Elwick Road in accordance with Local Plan policy and extant planning permission 15/01282/AS for that land and to ensure that the relationship of new development with temporary uses is an appropriate one.

- 3) The revised parking arrangement along the southern boundary as shown on drawing number ELWICK 02 revision G, providing a hatched area and new signage stating no parking within this area will be implemented within 4 weeks of the date of this permission and thereafter retained in accordance with the approved plans while the car park in use.

Reason: In the interests of providing a safer general layout

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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 was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

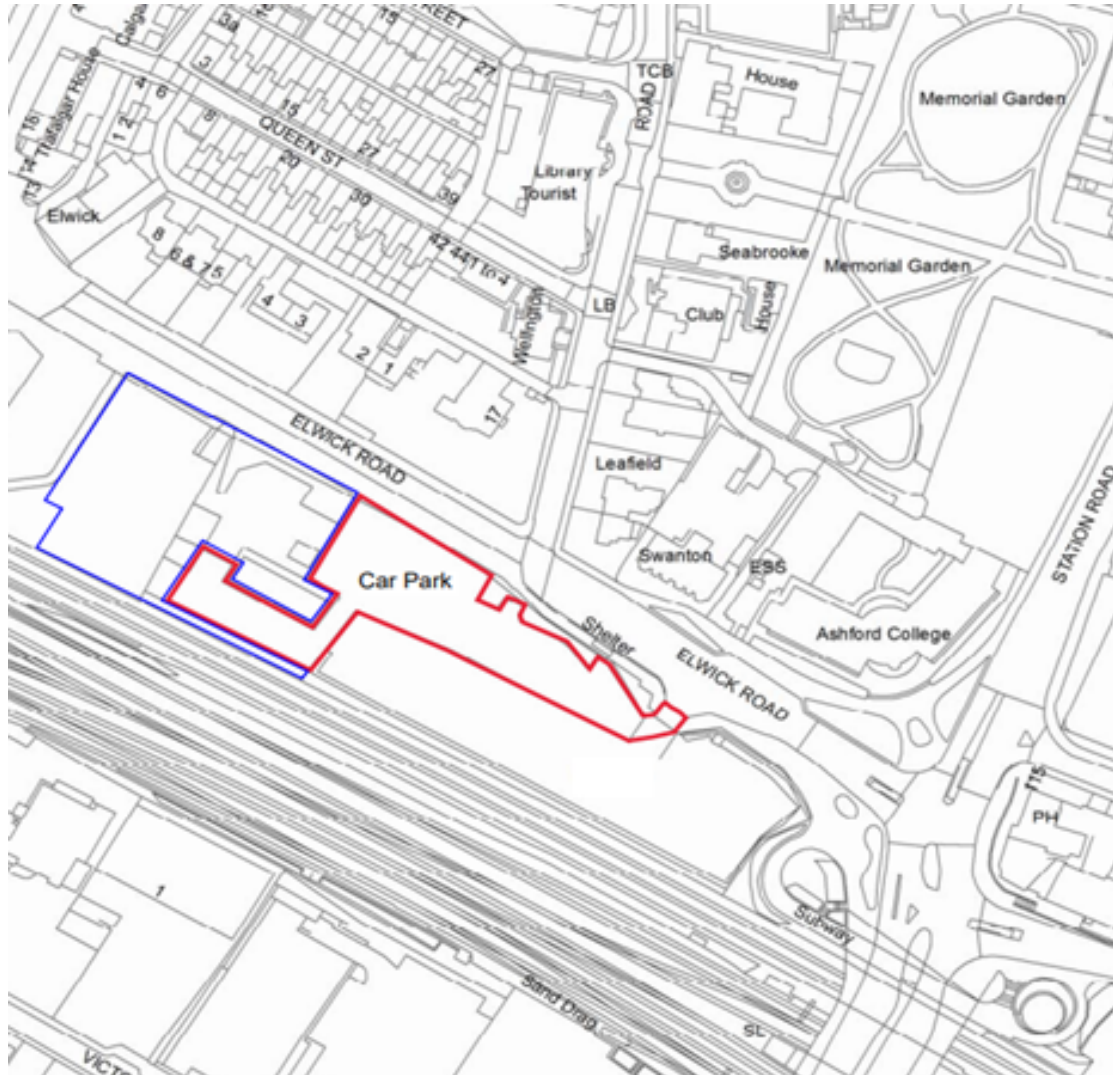
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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 PA/2023-0518)

Contact Officer: Mark Davies
Email: mark.davies@ashford.gov.uk
Telephone: (01233) 330252

Annex 1 – Site location plan



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Application Number	21/00100/AS
Location	Pinnock Yard, The Pinnock, Pluckley
Grid Reference	591784,144820
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Erection of 2 dwellings along with associated parking, bin store & bike store
Applicant	Mr G Oxley
Agent	Sevencroft Ltd
Site Area	0.076 hectares

Introduction

1. This application is reported to the Planning Committee at the request of Cllr. Mrs Clair Bell.

Site and Surroundings

2. The application site is a triangular plot approximately 0.076 ha in size located close to the hamlet of Pluckley Thorne. It was previously in commercial use but is no longer operational. The site contains an overgrown open yard area with a small number of dilapidated buildings and structures. Vehicular access is from Smarden Bell Road.
3. The site's southern boundary with Smarden Bell Road is well-defined by established trees which are subject to tree preservation order (TPO) with further mature landscaping evident around its boundaries.
4. To the north and west of the site is agricultural land and on the opposite side of Smarden Bell Road to the south are Thorne House, a grade II listed building, and the Gooseberry Fields Glamping Site. East of the site is a new development comprising 4 houses with car barns granted at appeal (Ref: 19/01411/AS) and beyond that are a further row of dwellings named Thorne Cottages.
5. The site lies within the Mundy Bois Mixed Farmland Landscape Character Area (LCA). The site lies outside of the East Stour Catchment.

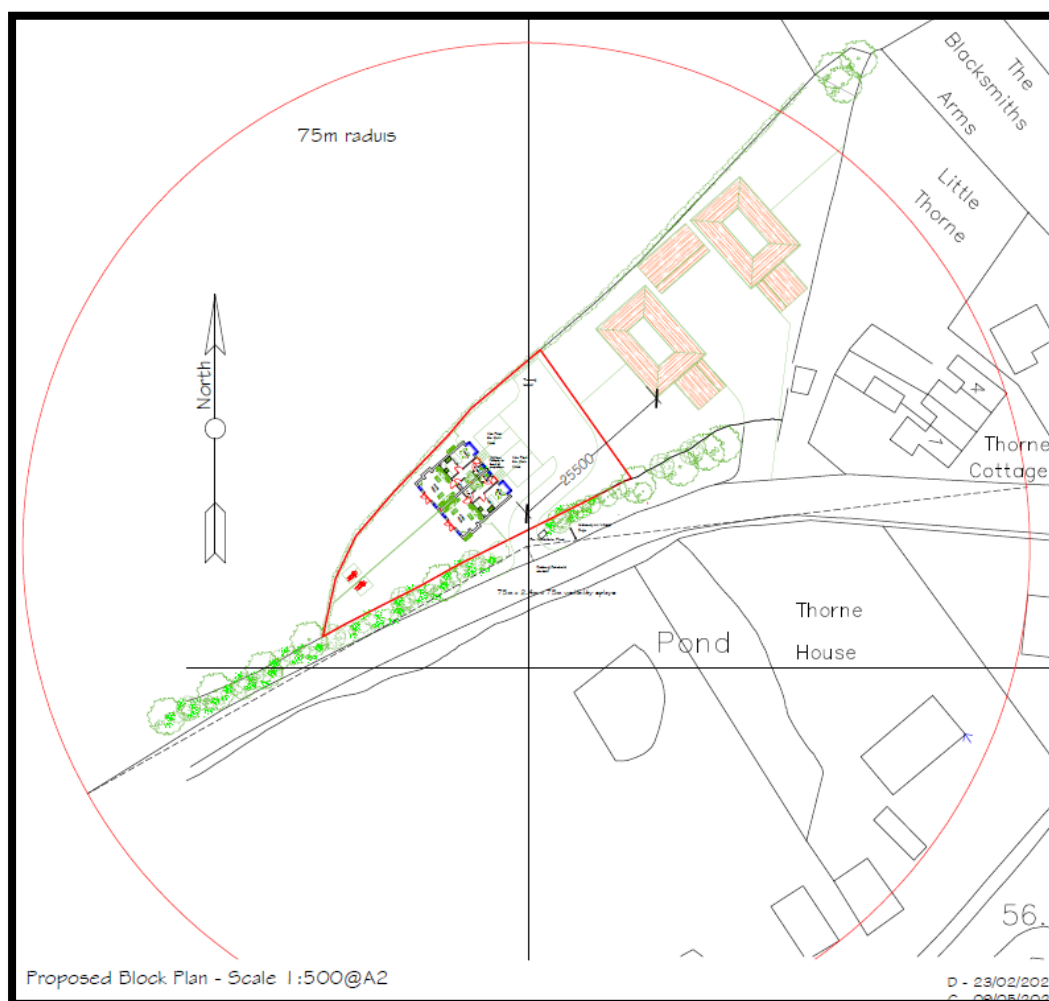


Figure 1 - Site Location & Block Plan

Proposal

6. The application seeks planning permission for the removal of existing on-site structures and the erection of two semi-detached dwellings. The dwellings would be traditionally designed with hipped roofs, symmetrical elevations and chimneys. Materials would be red & brown brick and hanging tiles set under a tiled roof. Each property would have its own private rear garden to the rear, off-road car parking spaces and cycle storage.
7. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-mounted PV panels are proposed together with battery storage to reduce the carbon footprint of the dwellings.

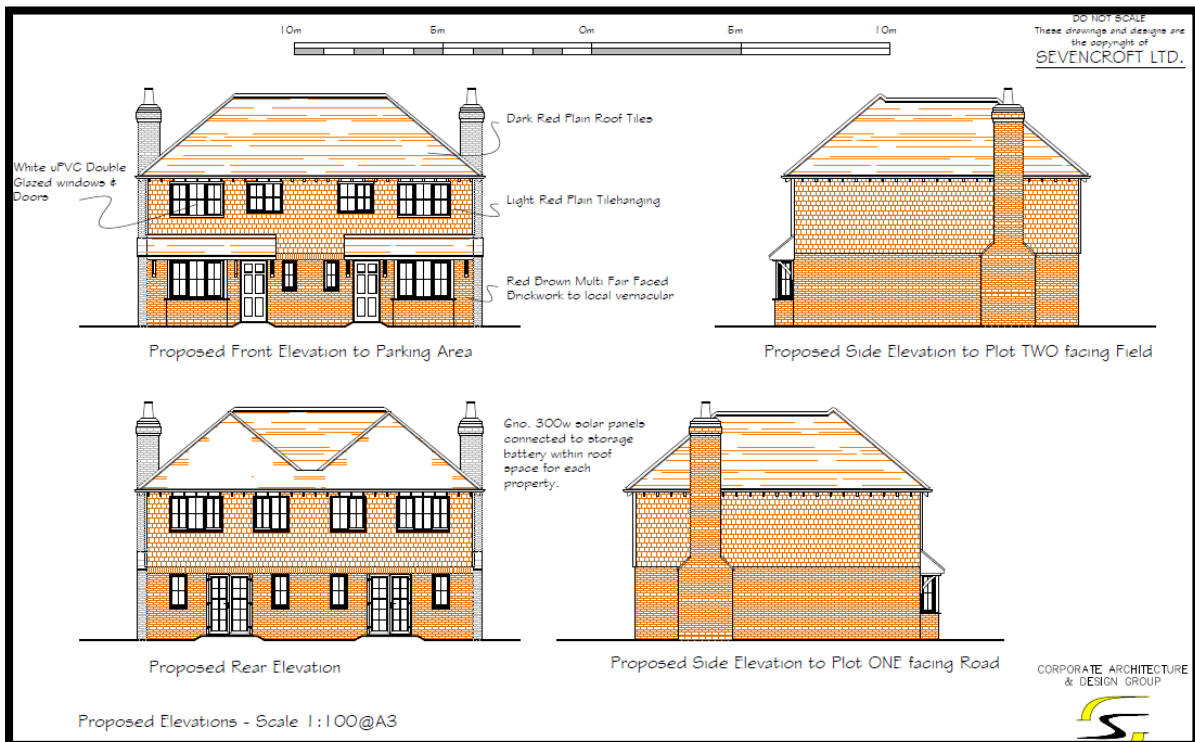


Figure 2 – Proposed Elevations



Figure 3 – Proposed Floor Plans

Relevant Planning History

8. Planning permission was granted at appeal in 2020 for the construction of four dwellings, car barns and landscaping (Reference: 19/01411/AS).
9. Planning permission was granted in 2017 for the erection of 4 dwellings arranged as a terrace together with 3 allotments (Reference: 17/00837/AS).
10. In 2014 outline planning with all matters reserved for the erection of a terrace of 4 dwellings was refused (Reference 14/00720/AS).
11. An application for a Lawful Development Certificate for the storing of building materials and operating centre for H.G.V. was granted in 2003 (Reference 02/01720/AS).

Consultations

12. The application has been subject to formal statutory and non-statutory consultation including notification letters sent to the occupiers of 7 properties (initially) in the vicinity of the application site.
13. Following receipt of new plans altering the access into the site and relocating cycle storage consultees and neighbours were re-notified of the application. In addition to this a further consultation with consultees and neighbours was undertaken in April 2023 to include the owners / occupiers of the 4 new properties to the north east of the application site in Pinnock Place.
14. **Ward Member** - The Ward Member, Cllr. Mrs Clair Bell has requested that the application be determined by the Planning Committee.
15. **Pluckley Parish Council** - Object:
 - Sightlines and access are unacceptable on a 60mph road.
 - The existing access has not been used for years, and so it is not true that the development would lead to less traffic using the access.
 - The site is outside the village boundary and is an undeveloped brownfield site.
 - The development would be contrary to the neighbourhood plan review as the scheme would be outside the Pluckley Thorne settlement.
 - The proposal would severely affect long range views of the site. The newly built 4 houses are very prominent and an additional 2 houses would make the development even more dominant.
 - The access would result in loss of TPO hedgerow.
 - The development would impact a grade II listed building.

- The application makes incorrect statements including the adjoining development of four homes is not affordable housing and therefore is not supported by the Pluckley Neighbourhood Plan, notwithstanding that it has planning approval. A further two homes similarly are not supported by the NP and would make the site overly congested.
- The proposal would not provide affordable housing and therefore fails to meet the needs of the village.
- The searches by solicitors working for residents of the new properties failed to identify the building application. (**Officer comment** – this is not a material planning consideration in the determination of this case).
- The submitted plans fail to accurately show the newly built semi-detached properties in Pinnock Place. (**Officer comment** – the revised drawings now accurately show the properties in Pinnock Place).
- The proposal would harm the residential amenity and privacy of existing residents.
- Ashford Borough Council is under pressure to meet its 5 year housing supply. However, the village has already had too much development and it cannot sustain more development without losing its character and appearance.

(**Officer comment** – the issues raised by the Parish Council are addressed in the main body of the report).

16. **KCC Highways** – No objections subject to conditions.

- Identifies the proposal will utilise an existing access that has current highway rights.
- Notes two proposed dwellings will result in reduced traffic movements when compared with the previous use of the site.
- Normally, as an existing access with reduced traffic movements visibility splays would not normally be required.
- Nonetheless, plans were submitted with visibility splays. These demonstrate that visibility splay lengths of 2.4m x 75m could be achieved in both directions. This equates to driven speeds of between 36-37mph which is acceptable given traffic approaching from the west will be slowing to negotiate the bend and the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition this section of the road is within a 30mph speed limit zone. As such, the visibility splays as demonstrated are acceptable for this access.
- Adds that that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
- With regard pedestrians, notes there is a lack of highway-owned land to enable a pedestrian footway to be installed here. However, there is a 30mph

speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds should be low.

- Identifies pedestrian movements will be very low and existing properties here also have no footway.

17. **KCC Biodiversity** – No objection subject to conditions.

- Advises that sufficient information has been provided to determine the planning application.
- The submitted ecological report has detailed that there is potential for protected species.
- A precautionary mitigation approach is needed for reptiles and breeding birds and KCC are satisfied with the principle of that approach subject to condition.
- A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted in to the District Level Licencing scheme for great crested newts. A condition is recommended so that a copy of the GCN District Level Licence must be submitted to the LPA for written approval.
- To mitigate against potential adverse effects of lighting on biodiversity, and in accordance with the National Planning Policy Framework 2021 KCC recommends that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be consulted and the lighting design demonstrate this by condition.
- The report has made a number of recommendations to include habitats/features which will benefit biodiversity. A condition is recommended that an ecological enhancement plan is submitted as a condition of planning permission.

18. **Neighbours** – Across the first 2 consultations, 2 objections were received. These are summarised below:

19. Objections:

- The site is on a blind bend and by the 60mph limit.
- It is outside the built confines of Pluckley Thorne.
- Crowding more homes onto this small site, extending into the countryside, would impact adversely the open views and the character of the area.
- The Pluckley Neighbourhood Plan does not support additional homes.
- No affordable housing for which the site was intended.
- Overdevelopment of the site will negatively impact one whole area which contains an important listed building.
- Impact on TPO hedgerow.

20. Following on from the latest consultation in April 2023 a further two letters of objection were received. These are summarised below. It should be noted that one of these objectors previously objected on the previous consultations.

21. Objections:

- Never thought the remaining land on the original wider site would be developed.
- Overdevelopment.
- The existing access has little use and therefore the scheme would lead to an increase in vehicular use.
- The proposed visibility splays aren't adequate as the access leads onto a 60 mph zone and cars do not slow down at this point.
- Question whether emergency services would have enough space to manoeuvre within the site.
- The proposed houses would harm the amenities of residential neighbours.
- The site is very visible from Munday Bois Road.

(Officer comment – the issues raised by local residents are addressed in the main body of the report).

Planning Policy

22. The current Development Plan for Ashford borough comprises the Local Plan 2030 (2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), Boughton Aluph and Eastwell Neighbourhood Plan (2021), Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

23. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU3a – Residential windfall within developments

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

ENV1 - Biodiversity

ENV3a - 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

Pluckley Neighbourhood Plan (2017)

R1 - Landscape Character and Design
H1 - New Residential Development
H2A - Design Standards

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

Supplementary Planning Guidance/Documents

Climate Change Guidance for Development Management 2022
Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Landscape Character SPD 2011
Residential Space and Layout SPD 2011
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) 2021 & National Planning Policy Guidance (NPPG)

25. 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 conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Relevant sections of the NPPF include:

- Presumption in favour of sustainable development
- Determination in accordance with the development plan
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities

- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change and flooding
- Habitats and biodiversity

Assessment

26. The main issues for consideration are:

- Principle of development
- Character and appearance
- Impact on residential amenity
- Trees and Biodiversity
- Flooding and Drainage
- Highway and Parking
- Stodmarsh
- Five-Year Housing Land Supply

Principle of development

27. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. It is bounded by residential development to the east and forms part of an allocated site for housing within the Pluckley Neighbourhood Plan (PNP).
28. The PNP recognises that housing growth is desirable for the community to ensure a sustainable future. The application site, which forms part of a key housing allocation, has been through consultation, independent examination and adoption into the PNP. The PNP states that the sites allocated for housing meet the needs expressed by residents during the consultation and scored highest in the scoring matrix used. As such, the site was allocated on the basis that it is one of the most suitable and sustainable locations in Pluckley Thorne to accommodate new housing
29. Policy H1 of the PNP refers to the site as Site A and states that it is allocated for approximately four dwellings. In relation to the total number of dwellings, the Neighbourhood Plan sought to limit the number of dwellings at the draft stage to four. The Independent Examiner found that restricting the number of units was not consistent with the general presumption in favour of sustainable development which runs through the NPPF and, while it was considered appropriate to give guidance on the scale of development envisaged, there was no clear justification for setting an absolute limit. Consequently, the word ***approximately*** was added to the policy by the Independent Examiner to avoid limiting the number of dwellings that could be provided.

30. Whilst the proposal would increase the overall number of houses within the housing allocation to 6 (as 4 market houses were already granted by the Planning Inspectorate (Reference: 19/01411/AS)) the addition of 2 additional dwellings on this site is acceptable in principle as it would accord with Policy H1, which allocates housing on the site with no upper limit to the number of dwellings that could be provided. Also, it will make the best and most efficient use of a previously developed site in compliance with provisions of the NPPF and Local Plan policies SP1 & SP2.
31. Further, the proposal would also remove dilapidated structures from the site to be replaced with well-designed houses thereby improving an untidy site which is in-line with the supporting text to policy H1. Significantly, the proposal would not conflict with any other policies of the development plan including the relevant criteria under HOU3a and those with respect to character and appearance, residential amenity, heritage, highway impact and biodiversity – all considered below.
32. In relation to the PNP policy aspiration that the houses should be affordable for young people, it is noted that the two previous applications on the wider site (Ref: 17/00837/AS & 19/01411/AS) were both granted for market housing. The Planning Inspector found when considering the 4 houses (Ref: 19/01411/AS) that Policy H1 of the PNP makes no reference to the need for it to be an entry-level site or rural housing exception site as defined in the NPPF. Therefore, market housing could not be prevented.
33. Although technically forming part of a commercial site, the PNP indicates the site has not offered employment for at least twenty years and there would be no consequent loss of employment as a result of its development. Also, the change of use from commercial to housing was proposed by virtue of its allocation.
34. Overall, for the reasons stated above the proposal accords with policy H1 of the PNP and complies with policies SP1, SP2 & HOU3a of the Ashford Local Plan to 2030 and the NPPF. The proposal is therefore acceptable in principle.

Character and appearance

35. The relevant development policies against which to assess the visual impact of the proposal include policies SP1, SP6 and HOU3a of the Local Plan and R1 & H2A of the PNP. These are consistent with the NPPF which seeks to create the highest quality design and promote a positive sense of place through the design of the built form, the relationships of buildings with each other and the spaces around them, responding to the prevailing character of the area.
36. The surrounding area has a mixed character with no obvious uniformity of plot size, building line or architectural language. At two storeys and semi-detached, the dwellings are responsive to the immediate built context and considered

acceptable. With respect to design, the dwellings would be traditionally designed in brick and hanging tile under a pitched tiled roof. Given the variation in architectural language within the area, the form, appearance and materials would integrate successfully into the wider street scene, subject to materials to be clarified by condition.

37. Being allocated for housing, the site was also planned to undergo change. The site is previously developed land comprising an open yard area with a small number of dilapidated buildings and structures that do not contribute positively to the surrounding area. It is proposed the current structures will be removed and redeveloped to accommodate an appropriately scaled and designed residential development that would sit comfortably within the context. The proposal would therefore address an untidy site and would not adversely impact the built context or wider landscape character.
38. With respect to climate mitigation, EV charging points will be provided for each property, along with water butts for water conservation. Additionally, roof-mounted PV panels are proposed together with battery storage. This would reduce the carbon footprint of the dwellings and is in accordance with the Council's climate change guidance.
39. Overall the layout, design and appearance would be appropriate and would be compatible with the character of the surrounding area and the development would not be detrimental to the visual amenity of the area.

Impact on residential amenity

40. Given the separation of over 25m to the closest neighbour and position of windows proposed, the proposed development would not result in undue overlooking of existing or future neighbouring properties. Nor would it be overbearing and/or result in the loss of light. Accordingly, no harm to the residential amenity of neighbouring properties would result from the proposal.
41. The dwellings would meet the Nationally Described Space Standards and include garden spaces in accordance with Local Plan policies HOU12 & HOU15. It is therefore considered the proposed new dwellings would provide a good standard of amenity for future residents.

Trees and Biodiversity

42. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats and networks of ecological interest. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Policy ENV1 of the Local Plan is consistent with the guidance

contained within the NPPF which seeks to conserve and enhance biodiversity through the planning process. The trees along the road frontage are protected by Tree Preservation Order.

43. The submitted Arboriculture Report identifies that no trees will require removal to facilitate the proposed development. With respect to retained trees, a range of tree protection measures are proposed that would ensure the trees and their amenity value will be preserved. Specifically, retained trees will be subject to a range of protection methods to avoid soil compaction, impact damage and other ground preservation measures. Subject to conditions the impact upon trees is acceptable.
44. With regards to ecology, a Preliminary Ecological Appraisal has been submitted. It identifies the application site does not contain or lie close to any national sites of nature conservation importance. The site is located on the other side of the road from a Local Wildlife Site called 'Pasture and Orchard, Pluckley'. Taken with the nature and scale of development, the proposal is unlikely to result in any adverse effect on any local or statutorily protected sites.
45. The site itself consists of sparsely grassy ground over areas of rubble and hard standing with a small number of dilapidated tin sheds and caravan in the southern tip of the site. The west boundary is lined with low bramble along the field. Along the road are hornbeam, ash and hawthorn trees. In view of this, the Ecological Appraisal indicates there is potential for foraging bats, GCN, reptiles, dormouse and breeding birds to be present.
46. With respect to reptiles and breeding birds the Ecological report advocates a precautionary mitigation approach. KCC Ecological have advised that the principle of this approach is acceptable provided that prior to the commencement of development, an ecological mitigation plan is submitted by condition. This will set out an appropriate mitigation strategy for each species, illustrating how the populations shall be maintained, enhanced or monitored and measures shall be agreed and carried out to an agreed timetable. Given that hedgerows will not be impacted by the proposed development no ecological mitigation is required for dormice.
47. A signed Impact Assessment and Conservation Payment Certificate has been submitted to demonstrate the site has been accepted into the District Level Licencing scheme for great crested newts. KCC Ecology advises that information be submitted by condition to demonstrate the licence has been issued the certificate to confirm that acceptance onto the scheme in the interest of protecting GCN.
48. As lighting can be detrimental to roosting, foraging and commuting bats a condition is recommended to ensure the lighting design is in the interest of biodiversity. Also, the application provides opportunities to incorporate features into the design which are beneficial to wildlife in accordance with the

requirements of Policy ENV1. Enhancement opportunities may include the incorporation of planting of appropriate native plant species and/or to provide nesting and foraging opportunities and the installation of bird and bat boxes. It is recommended further details on ecological enhancements are secured by condition. Subject to these conditions KCC Ecology raise no objections.

49. In summary, the development proposals would conserve and enhance trees and biodiversity subject to conditions in accordance with policy ENV1 of the Local Plan and NPPF.

Heritage

50. On the opposite side of Smarden Bell Road to the south is Thorne House, a grade II listed building. In view of the proposal's appropriate scale and design, significant separation and intervening road and tree planting, the proposed development would preserve its setting.

Flooding and Drainage

51. The NPPF seeks to direct development away from areas of highest flood risk. Policy ENV9 of the Local Plan 2030 requires development to include appropriate sustainable drainage systems for the disposal of surface water where it is practical to do so, to avoid any increase in flood risk or adverse impact on water quality.
52. The application site is located within an area of 'low' probability of flooding being located within Environment Agency Flood Zone 1.
53. In terms of surface water drainage, the applicant proposes a SuDS scheme which will minimise runoff leaving the site during heavy rain events. The strategy will incorporate permeable surfacing and rainwater harvesting. Subject to conditions requiring the details of the sustainable surface water scheme and further verification report to demonstrate that the drainage system constructed is consistent with that which was approved Officers are satisfied that surface water drainage can be appropriately dealt with in accordance with the requirements of policy ENV9. For sewerage disposal, the development will connect to the mains drainage system which serves the nearby properties.

Highways and Parking

54. The proposal would use the existing vehicular access to the site from Smarden Bell Road. This access was employed by vehicles associated with its former commercial use and has a longstanding connection to the highway. KCC Highways advise the current access would experience reduced traffic movements for two dwellings when compared with the previous use of the site. A reduction in usage of the access would, in turn, reduce the potential for conflict between drivers emerging from the site and other motorists.

55. Given the existing access is being reused and a reduction in usage is proposed from the previous commercial use of the site, it would not normally be necessary to show visibility splays. However, these have been submitted and demonstrate lengths of 2.4m x 75m in both directions. This equates to driven speeds of between 36-37mph. KCC Highways advise that the visibility splays are acceptable given traffic approaching from the west will be slowing to negotiate a bend and as the speed limit drops to 30mph immediately after the access. Traffic approaching from the east will have low driven speeds as they negotiate the bend, in addition, this section of the road is within a 30mph speed limit zone. Accordingly, the visibility splays are acceptable for this access, particularly given its reduced usage. KCC Highways adds that crash data was checked for the immediate area, and no incidents have been recorded within the last 5 years.
56. With regard pedestrians, KCC Highways advises that there is a lack of highway-owned land to enable a pedestrian footway to be installed at this location. Nonetheless, there is a 30mph speed limit from the site to Smarden Road, and due to the geography of the road, driven speeds would be low. Further, pedestrian movements will be very low given the number of houses proposed and existing properties here also have no footway. Overall, KCC Highways finds that there would not be a harmful risk to the safety of pedestrians or motorists using the road network from the existing access.
57. There is adequate space within the application site to accommodate parking for cars as well as cycle parking in accordance with adopted policy standards set out in policy TRA3a of the Local Plan 2030.
58. The Highway Authority also requested planning conditions listed below. These are justified in planning terms and are recommended.
59. In conclusion, based upon the number of dwellings proposed, reuse of existing access and parking provision accommodated within the site, the proposal would not result in any demonstrable adverse highway impacts and therefore would comply with the relevant policies of the development plan.

Stodmarsh

60. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
61. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater

Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.

62. The importance of this advice is that whilst the application site does not fall within the Stour catchment area, it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located within the Stour catchment and the effect is that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to lawfully grant planning permission.
63. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.
64. As matters stand, it is very likely that an off-site package of mitigation measures will be required in order for the development proposal to achieve 'nutrient neutral' status and in the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would be acceptable in respect of this issue.
65. However, work commissioned by the Council is moving forward on identification of a package of strategic mitigation measures that should enable relevant developments within the Borough's River Stour catchment (where the NE advice applies) to come forward on a 'nutrient neutral' basis, subject to appropriate obligations and conditions to secure the funding and delivery of the mitigation before occupancy of the development.
66. Therefore, on the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), it is recommended that a resolution to grant planning permission should also be subject to the adoption by the Head of Planning and Development (having consulted NE) of a suitable Appropriate Assessment to address the Habitats Regulations, to the effect that the proposed development will not adversely affect the integrity of the SAC, SPA and Ramsar Site (by achieving nutrient neutrality), and to secure any necessary additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and ensure that at the time of occupancy the necessary mitigation is in place.

Five Year Housing Land supply

67. The Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged.

68. Paragraph 11(d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) 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.”

69. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.

70. On the second exemption, Officers do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.

71. In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within this assessment.

Human Rights Issues

72. Human rights issues relevant to this application have been taken into account. 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

73. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the

Conclusion

74. The proposal constitutes residential development to an existing brownfield site on the north-western edge of Pluckley Thorne. The site is allocated for housing within the Pluckley Neighbourhood Plan (PNP) policy H1 and the site is therefore a suitable and sustainable location for the growth of Pluckley Thorne.
75. The development would provide a minor increase in housing at this location that would be in keeping with the character of the existing and approved built form of the surrounding area. It is considered that the layout, scale and design quality of the scheme are appropriate at this location and the proposals would be in compliance with Development Plan policy.
76. There would be no unacceptable harm to residential amenity, highway safety, biodiversity or any other consideration subject to conditions. There would also be no issues in terms of surface and foul water drainage given the condition for a detailed drainage strategy to be agreed upon. Overall, the scheme would deliver a modest addition to the Council's 5 Year Housing land supply, which it cannot currently demonstrate.
77. The application site does not fall within the Stour catchment area however it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford (Bybrook) Wastewater Treatment Works. Bybrook Wastewater Treatment Works is located within the Stour catchment. The nitrates and phosphates generated by the development will need to be mitigated through the strategic mitigation solution once available. Therefore, the recommendation to grant planning permission is subject to the adoption, under delegated powers, of an Appropriate Assessment to the effect that the development would not adversely affect the integrity of the SAC, SPA and Ramsar Site, and to any necessary obligation(s) and/or conditions in this respect.
78. Overall, for the reasons set out above, it is recommended that planning permission is granted once there is a means of mitigating the Stodmarsh impacts.

Recommendation

Permit

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,
- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

Conditions:

- Standard time condition
- Development carried out in accordance with the approved plans
- Materials to be approved
- Landscaping Scheme including planting
- Arboricultural Method Statement
- Details of boundary treatments
- Sustainable Drainage Scheme and verification report
- Completion and maintenance of the access shown on the submitted plans
- Provision and retention of visibility splays, vehicle parking spaces, cycle parking, and turning facilities
- Bound surface from the highway
- Measures to prevent surface water discharging on highway
- Electric vehicle charging points
- Construction Management Plan
- Ecological mitigation plan
- External bat-sensitive lighting
- GCN District Level Licence
- Biodiversity Enhancement
- Unexpected contamination
- PV Panels
- Site inspection

Notes to Applicant

- Working with the Applicant
- List of plans/documents approved
- Bird Nest Season
- KCC Highways informative
- Provision of water-butts

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 21/00150/AS)

Contact Officer: **Matthew Apperley**
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Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 7 June 2023

Application Number	PA/2022/2850
Location	Hegg Hill House, Smarden Bell Road, Smarden, Ashford, Kent TN27 8NX
Parish Council	Smarden
Ward	Weald North
Application Description	Amendment to omit the dressing room area and reposition the WC and basin to the previously approved proposal (20/00859/AS), installation of secondary glazing to two existing windows, false floor and extractor duct tile vent on external wall.
Applicant	Mr N & Mrs L Board
Agent	Mr Simon Hoyle

Introduction

1. This application is reported to the Planning Committee because the Agent is married to a member of staff.

Site and Surroundings

2. The application site is a Grade II Listed dwelling, dating from the C16 or earlier. It is a timber-framed building with the east front refaced with red brick in C18, the south front tile-hung. There is a late C19 addition to the rear.



Figure 1: Site Location Plan

3.



Figure 2: Photograph showing the property

The Proposal

- This proposed scheme seeks an amendment to a previously approved Listed Building Consent application (20/00859/AS), to omit the dressing room area and reposition the WC and basin and installation of secondary glazing to two existing windows, false floor and extractor duct tile vent on external wall.

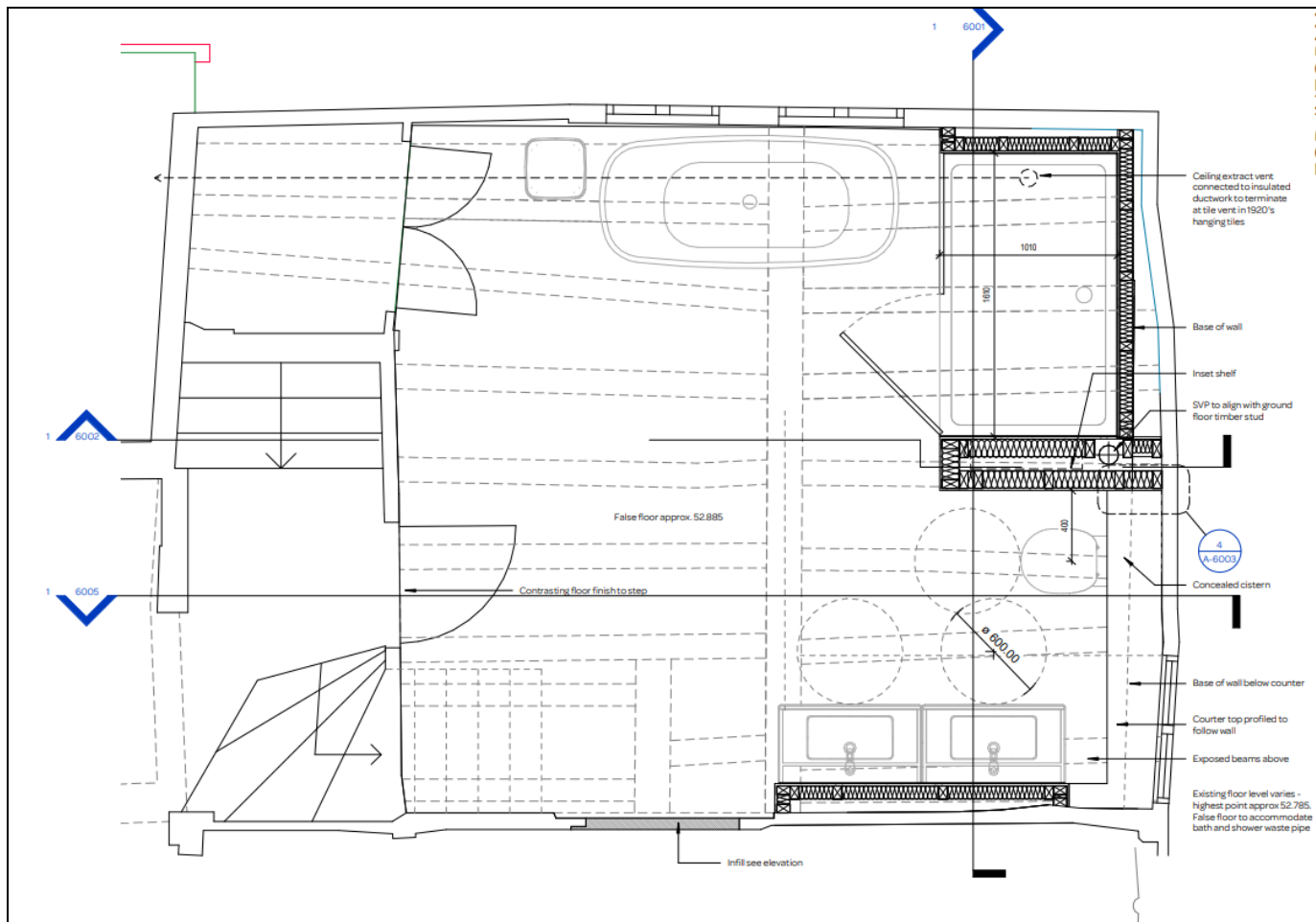


Figure 3: Proposed floor plan of bathroom

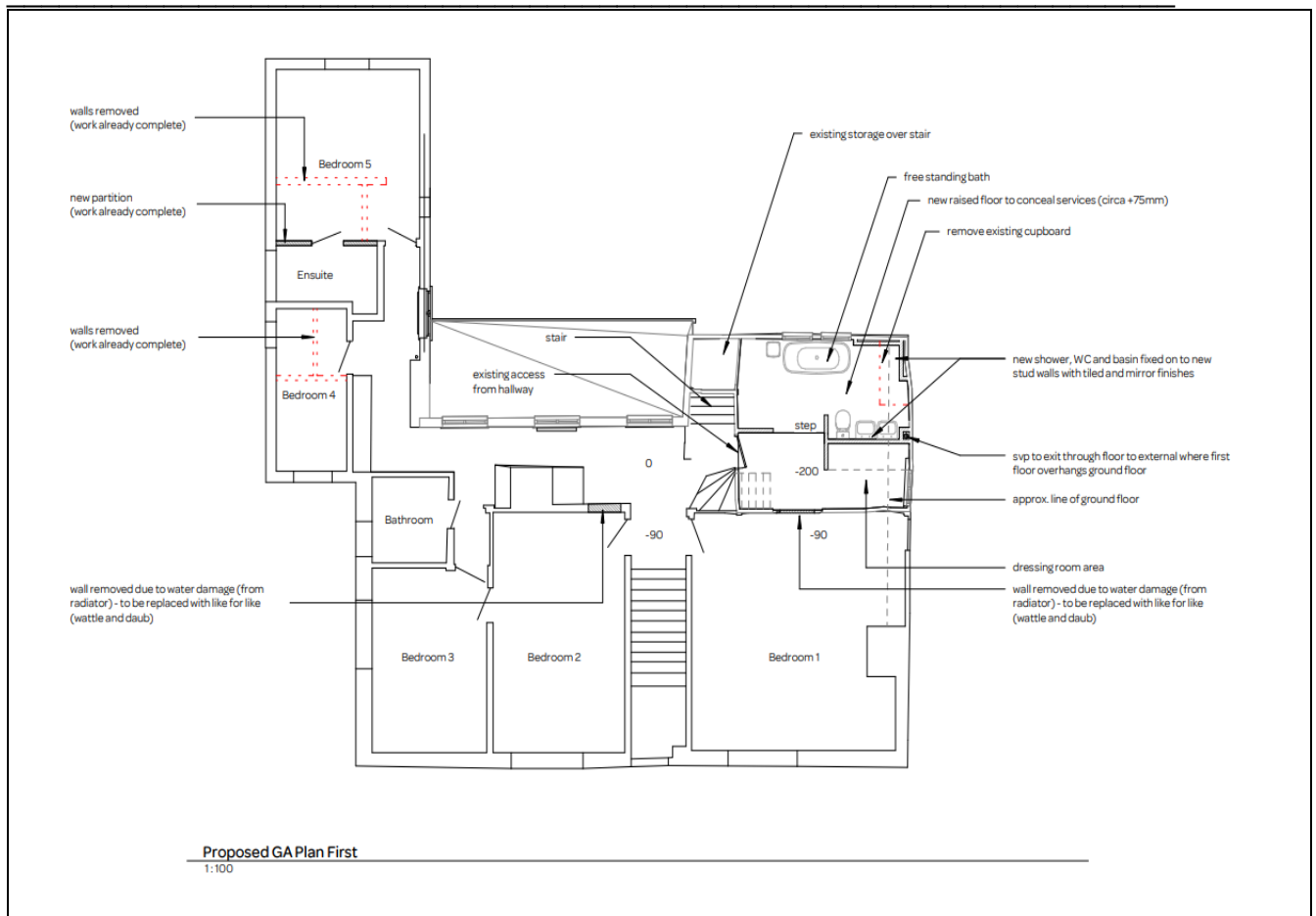


Figure 4: First floor layout approved under Listed Building Consent ref: 20/00859/AS

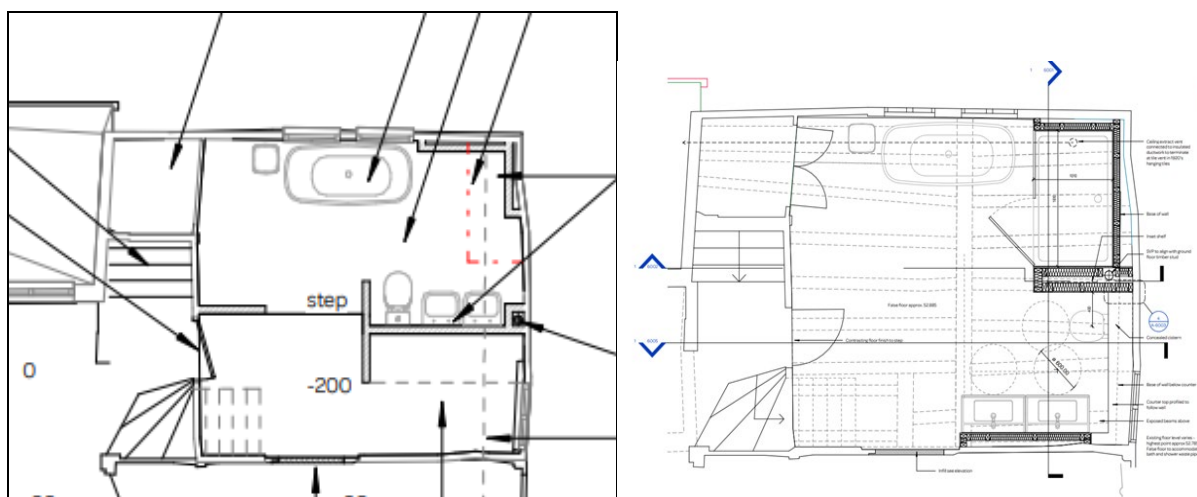


Figure 5: Previously approved and proposed floor plans, side by side for comparison.

Planning History

4. 88/01883/AS New garage within site occupied by Hegg Hill House. Approved

88/01884/AS Single storey double garage to replace dilapidated existing wooden garage. Approved

15/01670/AS Proposed new vehicular access and gate to serve field. Approved

20/00858/AS Extension of garage to form additional outbuilding. Approved

20/00859/AS Insertion of French doors to north east elevation. Addition of partition walls and false floor to create en-suite and dressing area at first floor. Replacement of staircase at ground floor level. Approved

Consultations

5. Six (6) neighbours were consulted and no representations have been received.

Planning Policy Context

The Development Plan

5. The current Development Plan for Ashford borough comprises the Local Plan 2030 (2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), Boughton Aluph and Eastwell Neighbourhood Plan (2021), Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
6. The relevant policies in the Local Plan relating to the application are as follows:-

Ashford Local Plan to 2030

SP1 – Strategic Objectives
SP6 – Promoting High Quality Design
ENV13 – Conservation and Enhancement of Heritage Assets

7. The following are also material considerations in the determination of this application.

Supplementary Planning Guidance/Documents

Smarden Parish Design Statement 2008

8. **National Guidance**

National Planning Policy Framework (NPPF): The NPPF reflects the statutory provision at section 38(6) of the Planning and Compensation Act 2004 that mandates the determination of all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise (paragraph 47). The NPPF was published on 27 March 2012 but has been amended on several occasions, with the most recent in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

16. Conserving and enhancing the historic environment

Planning Policy Guidance: In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application

Assessment

9. The main issues for consideration are:
- a) Principle of Development
 - b) Potential impact on the significance of the Listed building

Principle of Development

10. *Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

11. Listed Building Consent was granted in 2020 for *Insertion of French doors to north east elevation. Addition of partition walls and false floor to create ensuite and dressing area at first floor. Replacement of staircase at ground floor level.* This application seeks to amend the approved scheme in relation to the layout of the first floor bathroom.

Impact on the significance of the Listed building.

12. The previously approved scheme involved the erection of partitions within the room to create a bathroom and dressing room areas and to attach the W.C and sink to. This amended scheme does not seek to subdivide the room, but does include the erection of partition walls: one to enclose the shower cubicle to protect the timber framing and to conceal the pipework and the other section to attach the sinks to.
13. The area where the new bathroom is to be located is in the original C16 part of the Hegg Hill House House and there are a large number of exposed areas of the original frame visible within the room.
14. There can often be some concern that the creation of a shower cubicle in close proximity to exposed timber framing could damage the historic fabric. However, in this instance the shower cubical has been designed to allow air flow behind it and in practical terms will direct moisture to the extractor fan and will also prevent any direct contact of water and detergents onto the timbers. Likewise, the partition wall for the sinks will allow air flow behind it and will prevent direct contact of water and detergents onto the timbers. Detailed drawings of the design of both partitions have been submitted as part of the application and no further conditions are required.

Working with the Applicant

15. In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Human Rights Issues

16. Human rights issues relevant to this application were taken into account in the assessment of this proposal. 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).

Conclusion

17. The proposed amended scheme is acceptable in Listed building terms and complies with Policy and the NPPF test and is therefore recommended for approval.

Recommendation

Grant Consent

- A. Subject to conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions.

- 1 The development to which this consent relates, excluding the reinstatement of the sections of wall to bedrooms 1 and 2, as shown on the approved plans, shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004..

- 2 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.

Informative

1. **Working with the Applicant**

In accordance with paragraph 38 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,
- In this instance, the applicant/agent was updated of any issues after the initial site visit, was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

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 PA/2022/2850)

Contact Officer: Sarah Dee
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Application Number	PA/2022/2708
Location	Oxney Isle Barn, Swan Street, Wittersham, TN30 7PL
Grid Reference	588774, 127031
Parish Council	Wittersham
Ward	Isle of Oxney
Application Description	Erection of a new dwelling and landscaping
Applicant	Mr and Mrs Allen-Butler
Agent	Mr Shane Jell
Site Area	1.32ha

Introduction

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

Site and Surroundings

2. The application site comprises an agricultural field, with a site area of 1.32 hectares.
3. The site is in the open countryside, approximately 1.3km west of the village of Wittersham (the nearest settlement). The site lies wholly within the High Weald Area of Outstanding Natural Beauty (AONB). The site is accessed via a private road which is accessed via Swan Street. A Public Right of Way (PRoW number AT84) runs alongside the north-western perimeter of the site.
4. There are sporadic dwellings and farmhouses sited along the private road. There are two dwellings adjoining the site; 'Oxney Isle Barn' immediately to the north under the same ownership; and 'The Granary' immediately to the north east. There are a number of listed buildings nearby, the closest being Wittersham Manor, a Grade II Listed Building, which is approximately 250m to the east of the application site.

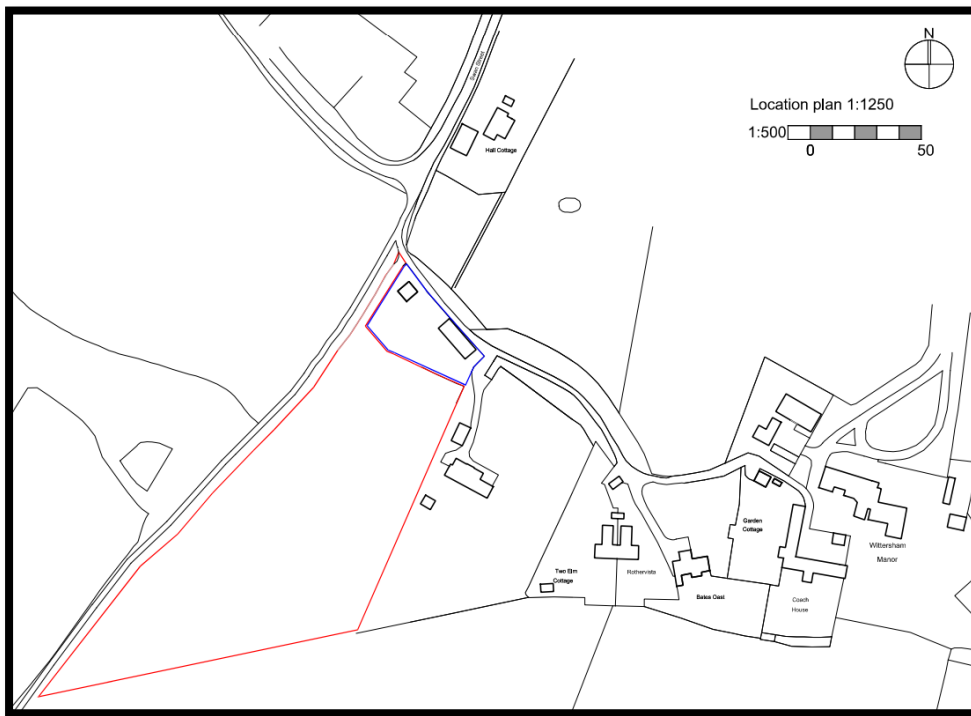


Figure 1 - Site Location Plan

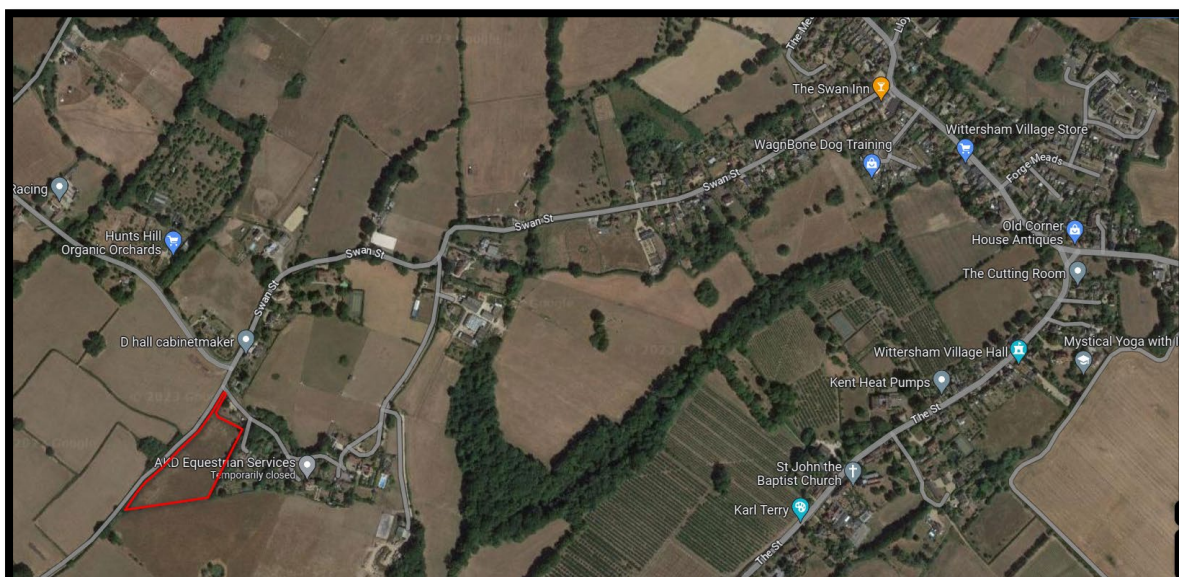


Figure 2 – Aerial Context Map (site location shown in red)

Proposals

5. The application seeks planning permission for the erection of a new dwelling. It is noted that amended plans were received on 16.12.2022, which moved the

dwelling approximately 3m to the east in order to reduce the impact on trees. The new dwelling would be accessed via an access way running along the western side of the applicant's existing property. The proposal would also provide the dwelling with off street parking and private amenity space provision.

6. The proposed dwelling would be single storey in height with a mix of flat and pitched roof forms and a maximum height above ground level of 6.11m. The walls of the building would be finished in a mix of stained timber cladding (black) and traditional stock facing brick, and the pitched roofs would be finished in charcoal cladding. The proposed dwelling would consist of 3 en-suite bedrooms, an open plan living / dining / kitchen area, utility room, a studio / study, various storage areas, and garages. The proposal would also provide a gallery area within a section of the proposed roof space.

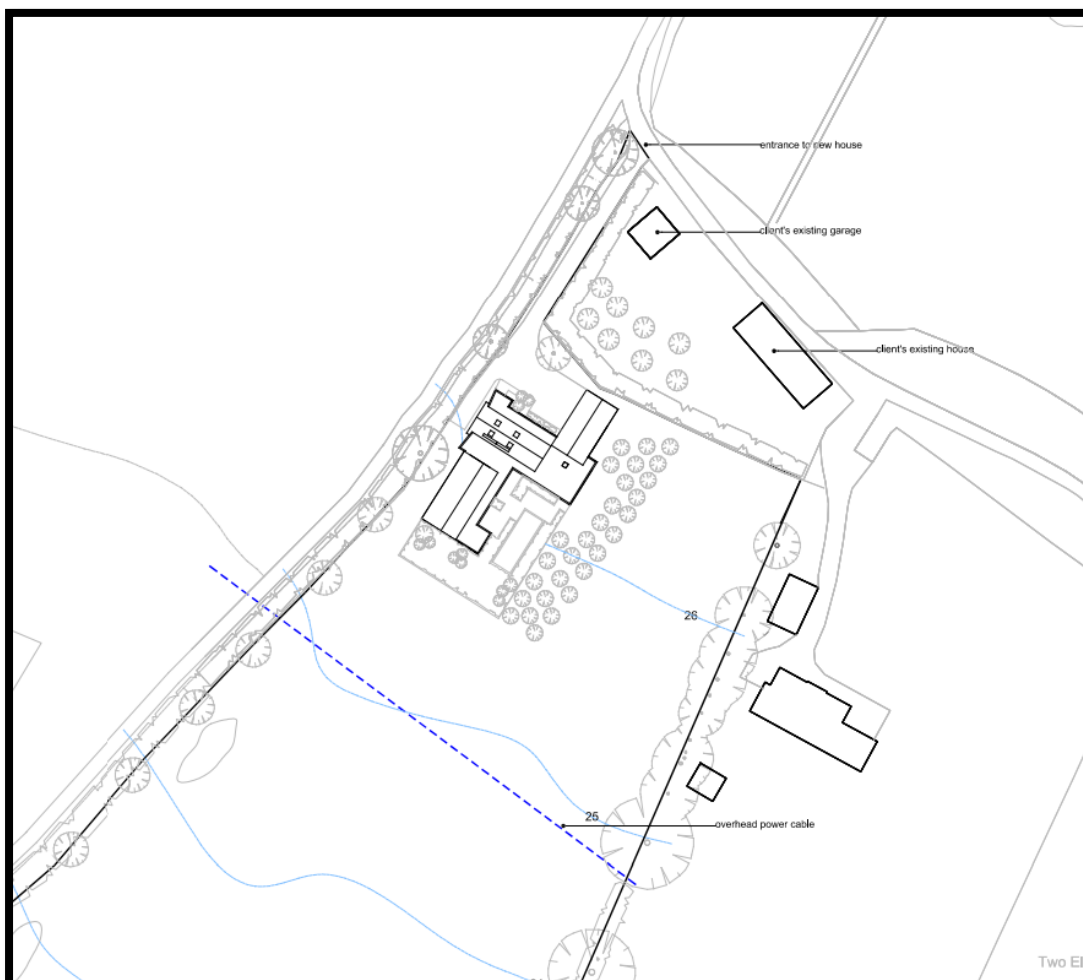


Figure 3 – Proposed Block Plan

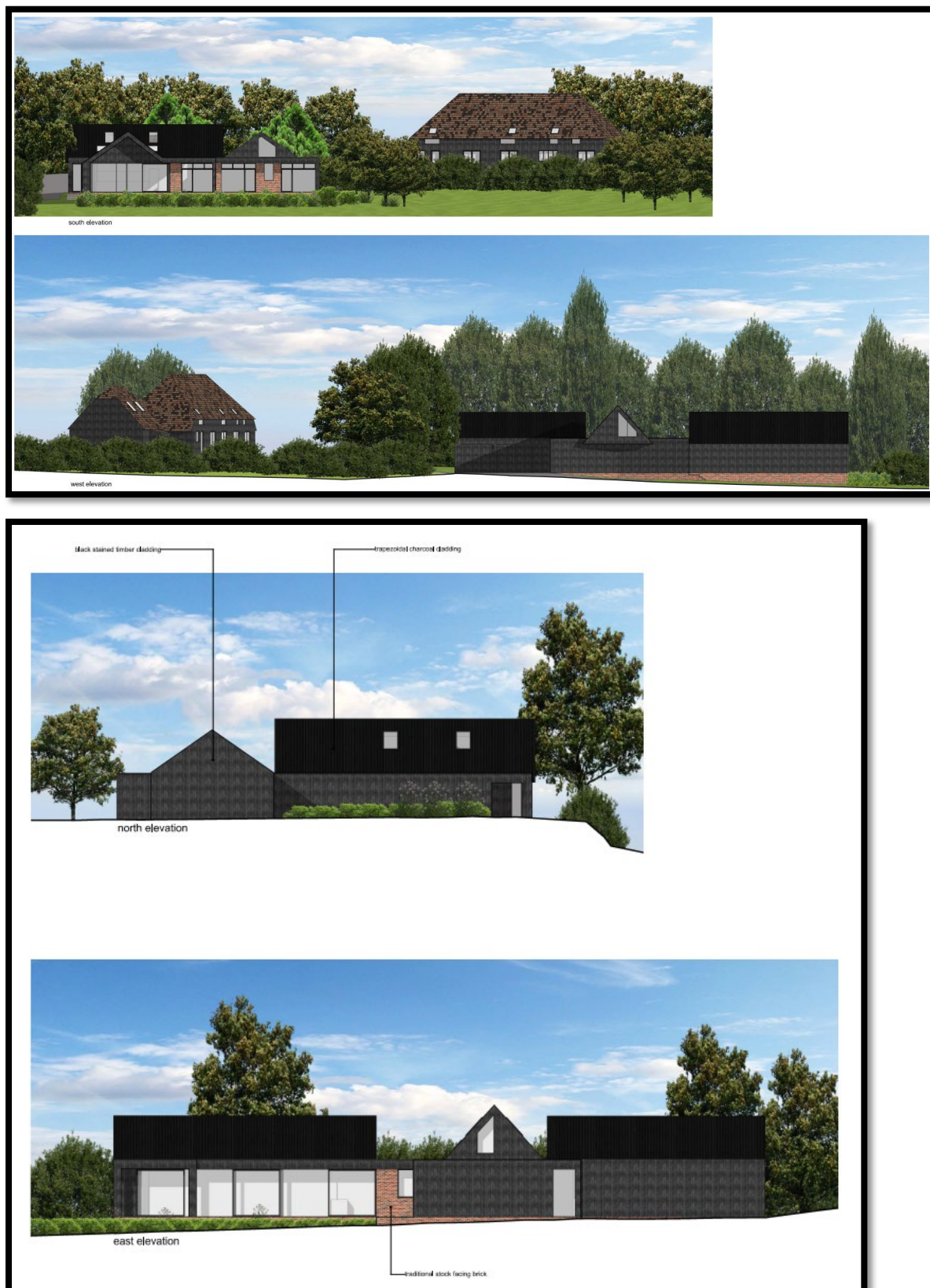


Figure 4 – Proposed Elevations

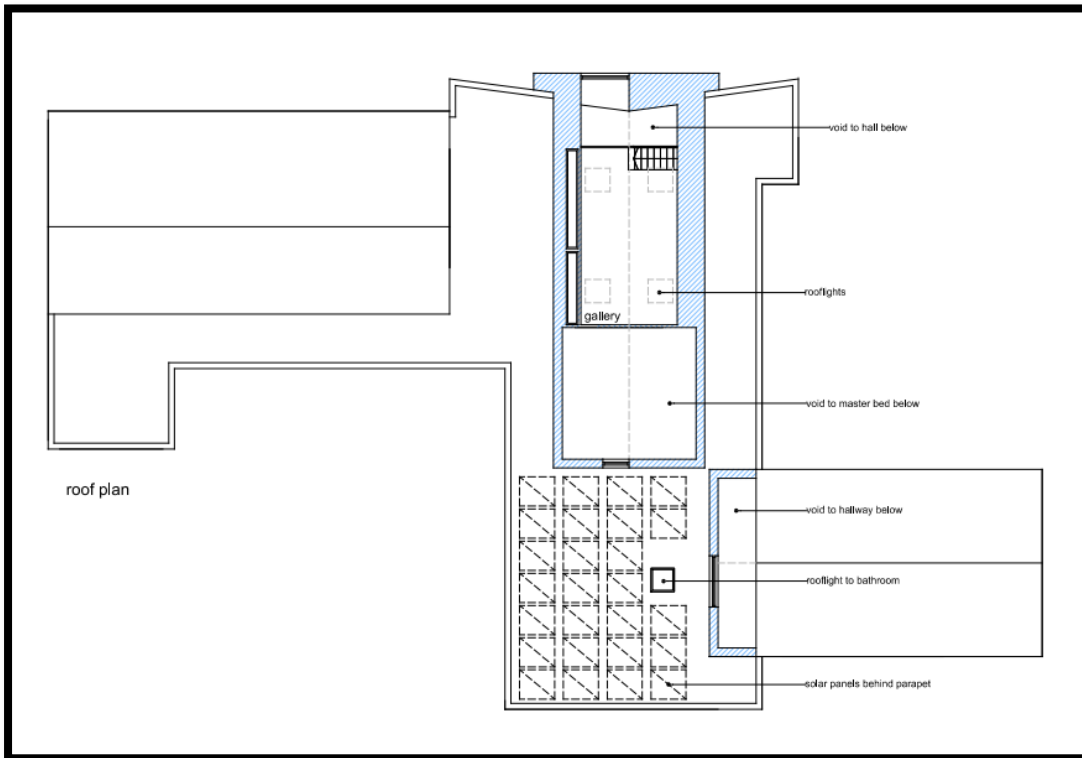
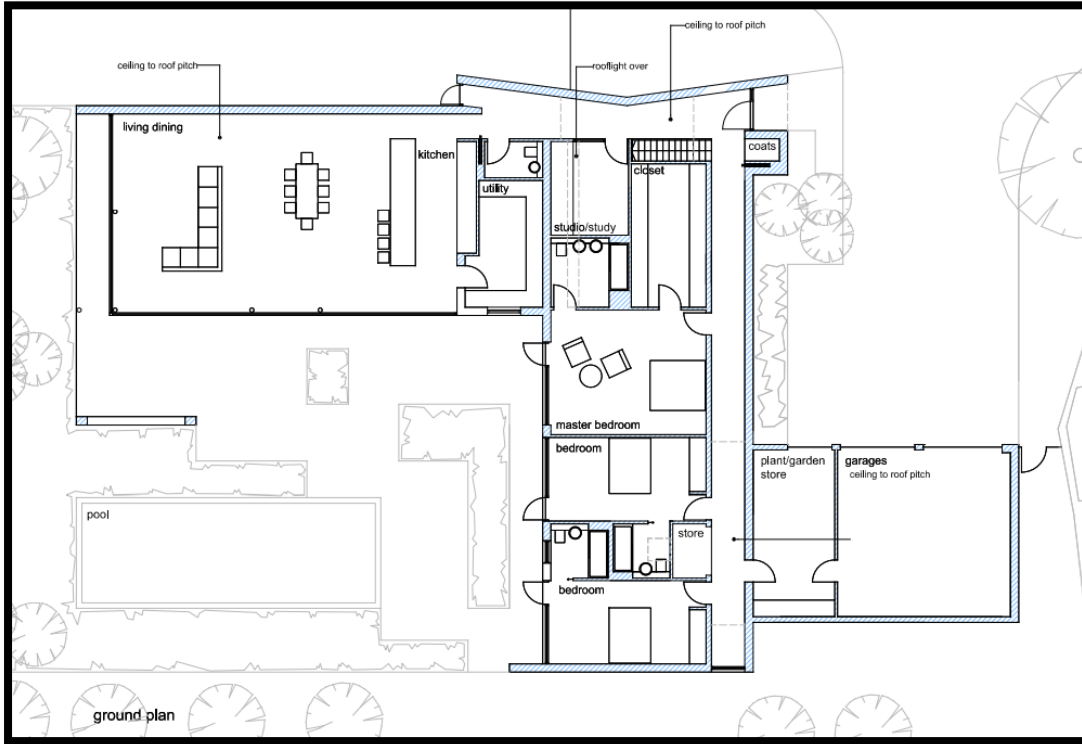


Figure 5 – Proposed Floor Plans

Relevant Planning History

7. There are no relevant planning applications on the site.

Consultations

8. The application has been subject to formal statutory and non-statutory consultation.
9. **Ward Member** - The former Ward Member, Cllr. Burgess has requested that the application be determined by the Planning Committee. He considers that the proposal would not be an isolated building in the countryside but rather an addition to a dwelling complex. Therefore, he considers there to be little harm.
10. **Wittersham Parish Council** – The Parish Council consider that the proposed single storey building is neither visually offensive in height nor massing compared to other nearby buildings. They note that the proposed building would look markedly different in detail from the existing older properties in the locality (especially as a result of the pursuit of low carbon and low water usage). However, they consider that paragraph 80 is offered in national planning guidance for cases such as this, and as the architectural merits of the case have been considered at length by the Design Review Panel, the Parish Council supports the application. The Parish Council believe that the balancing exercise on the remaining issues should fall to the Planning Authority to consider. The Parish Council considers that issues relating to ensuring the ditch to the west of the site is not affected in terms of ground movement by the development, and the outflow of the packaged treatment plant must also be addressed.

(**Officer comment** – the issues raised by the Parish Council are addressed in the main body of the report).
11. **ABC Environmental Protection** - No objection subject to the imposition of conditions relating to contamination, foul drainage, external lighting, and electrical vehicle charging. As well as an informative being imposed relating to construction practices.
12. **KCC Highways** – No comment to make.
13. **KCC Biodiversity** – No objection to the proposal in principle and they take the view that a biodiversity net-gain will be achieved. However, they advise that a revised Landscape and Ecological Management Plan (LEMP), with a planting schedule, is conditioned to ensure biodiversity value is maximised. They also advise that a lighting condition is attached to ensure that the development's external lighting does not adversely impact biodiversity.

14. **KCC Public Rights of Way** - No objection.

- Informatives required: No obstruction to PRow, No trees or shrubs, Erection of furniture

15. **KCC Lead Local Flood Authority** – Consider the development as low risk. No objection.

16. **Neighbours** – Eight (8 no.) objections were received. These are summarised below:

- Unsuitable access.
- Loss of historic agricultural land.
- Increase flood risk.
- Harmful impact of a new large dwelling with lots of glazing on the character and appearance of the countryside and AONB.
- Design and materials out-of-keeping for the area.
- The proposal would detrimentally impact the stability of a fragile bank adjacent to the adjoining track.
- The biodiversity net gain proposed is not correct, as the site is not devoid of flora or fauna. The suitability of the proposed ecological enhancements was also questioned.

(**Officer comment** – the issues raised by local residents are addressed in the main body of the report).

Planning Policy

17. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

18. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 – Residential windfall Development within the Countryside

HOU12 - Residential space standards internal
HOU14 - Accessibility standards
HOU15 - Private external open space
TRA3a - Parking Standards for Residential Development
TRA5 - Planning for Pedestrians
TRA6 - Provision for Cycling
ENV1 - Biodiversity
ENV3b - Landscape Character and Design within AONB's
ENV4 - Light pollution and promoting dark skies
ENV5 - Protecting important rural features
ENV6 – Flood Risk
ENV7 – Water Efficiency
ENV8 - Water Quality, Supply and Treatment
ENV9 - Sustainable Drainage
ENV13 – Conservation and Enhancement of Heritage Assets
ENV15 – Archaeology

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Landscape Character SPD 2011
Residential Space and Layout SPD 2011
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

The High Weald AONB Management Plan 2019 – 2024

Government Advice

National Planning Policy Framework (NPPF) 2021 & National Planning Policy Guidance (NPPG)

20. 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 conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Relevant sections of the NPPF include:

- Presumption in favour of sustainable development.
- Determination in accordance with the development plan.
- Delivering a sufficient supply of homes.
- Promoting healthy and safe communities.
- Promoting sustainable transport.
- Making effective use of land.
- Achieving well-designed places.
- Meeting the challenge of climate change and flooding.
- Habitats and biodiversity.

21. Paragraph 80 the NPPF is also relevant in this instance:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

Assessment

22. The main issues for consideration are:

- Principle of development.

- Design Review Panel.
- NPPF Paragraph 80(e).
- Landscape Character and Visual Amenity.
- Impact on residential amenity.
- Ecology.
- Trees.
- Highway Safety, Parking and Turning.
- Flood Risk and Drainage.
- Impact on the setting of Heritage Assets.
- Stodmarsh.
- Five-Year Housing Land Supply.

Principle of development

23. The site is located within the High Weald AONB and is outside of the settlement confines of Wittersham. The application seeks full planning permission for the erection of a detached dwelling with associated landscaping.
24. At this time the Council cannot currently demonstrate a 5-year supply of housing land. Its confirmed position is 4.54 years, and therefore paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged. Paragraph 11 (d) (i) of the NPPF indicates that permission should be granted unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”* and 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.’* AONB’s are ‘protected areas’ and listed as assets of particular importance, which in this instance provides a clear reason for refusing the development proposed. Therefore, the proposals must be considered against the policies within the NPPF and the Local Plan which seek to protect the integrity of the AONB.
25. The application site is located in the countryside and consequently this proposed residential windfall development should be considered against and comply with the criteria within policy HOU5.

Policy HOU5 reads as follows:

“Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne
Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet,
High Halden, Hothfield, Kingsnorth, Mersham, Pluckley, Rolvenden,

Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

Providing that each of the following criteria is met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;
- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;
- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
 - i) it sits sympathetically within the wider landscape,
 - ii) it preserves or enhances the setting of the nearest settlement,
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with policy HOU7 of this Local Plan;

Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

*These proposals will be required to be referred to the Ashford Design Panel and applications will be expected to respond to the advice provided.”

26. Policy HOU5 outlines that proposals for residential development adjoining or close to the existing built-up confines of Wittersham may be acceptable provided a number of criteria are met. In addition to the list of criteria, it states that where a proposal is located within the AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.
27. The application site lies approximately 1.3km from the west of the built confines of Wittersham and there is no public footpath or cycle route along Swan Street or elsewhere to connect the site to the settlement, for easy and convenient access other than by car. Public footpath 0295/AT84/1 does connect to the southwest with footway 0295/AT264/1 and 0295/AT83/1, providing a lengthy route to the village centre. There are no bus stops within the vicinity of the site. Users of the development would therefore ostensibly be reliant upon cars as the chosen form of transport in order to access day-to-day services. The application site is therefore not considered to be in a sustainable location and the proposal is therefore contrary to criteria (A, B, and D) of Policy HOU5.
28. It is acknowledged that the proposal would not be physically isolated from other residential properties, however, for the reasons outlined above, the site is considered to be isolated from essential services required for day-to-day living. In this instance, the proposal is therefore considered to constitute an isolated

and unsustainable dwelling in the countryside contrary to local and national planning policy.

29. As such, the proposal for a new dwelling on this site is not acceptable in principle, unless the proposal meets the exception criteria within Part 2 of Policy HOU5 in that it meets the requirement for the dwelling to be of '*exceptional quality or innovative design*'. Policy HOU5 is considered broadly in accordance with national policy in the NPPF, however the 2021 update has removed aspects from national policy including the qualifier 'innovative' from the policy exception, now at paragraph 80 (e).
30. The application has been submitted to specifically comply with part 2 of Policy HOU5. While the development plan has primacy, as National Planning policy has materially changed since its adoption, and as a more recent document the amended policy in the NPPF is a material consideration that should be given significant weight. NPPF paragraph 80 (e) reads as follows:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"*

31. It is concluded that the proposal does not accord with policies SP1, SP2 & HOU5 (see sections below). Collectively, these policies seek to ensure that residential development is directed to sustainable areas, which are based on the range and extent of services and facilities available within them and the opportunities available for the use of sustainable modes of transport. The proposal would therefore undermine the adopted Local Plan policies.

Design Review Panel

32. The application is supported by a Design and Access Statement which includes a response to the Design Review by the Ashford Design Panel (provided by Design South East) dated 18th July 2022. The report of the panel is annexed for ease of reference.
33. The scope of the report set out under the proposal on page 3 includes reference to the planning context and understanding of paragraph national planning policy and makes it clear that the recommendations made are "*intended to support*

the authority in assessing the strength of the case for passing the stringent test of a Paragraph 80 dwelling.”

34. The panel report also notes that a previous review of proposals for the same site was undertaken on two previous occasions. On page 5 the report it is clarified that *“Whilst it may be challenging to define exactly what ‘exceptional quality’ of design is, it is clear that both building design and landscape design must work together in response to the specific rural setting... The panel’s impartial advice and recommendations are offered to support the applicant team to achieve the exceptional quality set by the NPPF and to support both the applicant and the authority to assess the design quality in order to inform the determination of the application.”*
35. Indeed paragraph 133 of the NPPF sets out that *“In assessing applications, local planning authorities should have regard to... any recommendations made by design review panels.”*
36. There are two significant aspects to the advice which follows from DSE’s review. The first aspect is that recommendations given on page 6 are for further work necessary to develop and detail the scheme, in the panel’s view. These are summarised by the paragraph: *“In order to meet the stringent criteria for a Paragraph 80 dwelling, demonstration of exceptional sustainability credentials in the construction, materials and detailing of the building is now needed to give weight and justification to the argument for building in this location.”* It is significant that the scheme was not resubmitted to the panel for further review with this detail, for example, to respond to detailed comments about materiality, finishes and fenestration design/detailing at sections 5.1 to 5.4.
37. The second key aspect of the DSE report, revealed by the further exposition of the above in “Detailed comments and recommendations” is that DSE do not go on to find the proposal to be of exceptional quality, or discuss it in any of the other terms that might distinguish it and suggest that it is or that it reaches or exceeds the threshold of strict requirements of paragraph 80. While the application submission has provided additional high-scale drawings of construction details these do not distinguish that quality. There is nothing in this to suggest that this scheme is not of a good design, but that is not sufficient to reach the ‘exceptional’ quality bar. Good design is fundamental in respect of all applications.
38. The Design Panel Review highlighted that a paragraph 80 scheme demands an exceptional approach to sustainability through reduction of embodied and operational carbon. This requires innovation that should go beyond standard building regulations and demonstrate the modelling of an energy strategy that

will meet zero carbon targets. The applicant has failed to do this as outlined later in the report.

39. The DSE report highlights that “the footprint of the building is still more extensive than that of the existing barn and other surrounding buildings, but by breaking down the roof form, the building has a less monolithic appearance.” Firstly, this highlights the excessively large scale of the proposed dwelling and secondly, the idea of it having a less monolithic appearance does not meet the exceptional design qualities required by paragraph 80.
40. The Design Panel Review also stated that “more selective placement of windows and framing of views instead of the entire glazed south and east walls of the kitchen/living space could provide more hierarchy of light and space internally and more interest to the south and east elevations of the building.” The applicant has chosen not to take on board this advice and retained the large incongruous areas of glazing on the building which further adds to the fact that this scheme fails to achieve the level of exceptional design quality required by paragraph 80.
41. Finally, while it is not necessarily the case that DSE’s advice would have been affected it is unfortunate that a further review following the submission of this application has not been undertaken.

NPPF Paragraph 80 (e)

42. The proposed dwelling would be sited on the edge of an existing cluster of residential properties, immediately south of Oxney Isle Barn. The design rationale as described in the Design and Access Statement is for the three-bedroom dwelling to appear as a cluster of interconnected agricultural buildings with views overlooking the meadow to the south. The proposal is largely single-storey, with the only first-floor accommodation located within the eaves of the main block, with portions of traditional dual-pitched roofs with gable ends connected by areas of flat roof. External facing materials seek to emulate existing agricultural buildings within the local area, utilising black steel cladding for the pitched roofs, with black-stained timber cladding and locally sourced brickwork walls.
43. However, the proposed building would noticeably differ from the appearance of agricultural barns due to its extensive fenestration on the southern and eastern elevations, which would be visible from land in the vicinity, including neighbouring properties, surrounding PRowS and the local highway network. This is further compounded by the proposed landscaping, which includes ornamental planting and an orchard immediately to the south of the dwelling, reinforcing the residential nature of the development. This, together with the

domestic occupation, external and internal lighting, and other paraphernalia associated with the residential use at the site would highlight that the building was not a collection of barns but a modern residential building of domestic character.

44. While the overall design is considered to be architecturally interesting and would incorporate elements of the local Kentish vernacular, it is for the most part unremarkable, resulting in a relatively conventional modern building that lacks contextual logic or identity to assimilate legibly into its rural context. Indeed, it is inevitable that the new building, in combination with the proposed landscaping, would have a domestic character and appearance when viewed from nearby. As such, having regard to the intrinsic character of the site as it is now, it is hard to see how the proposals would enhance their immediate setting (this is returned to below). Internally, the proposed sequence of rooms and double-height spaces would be attractively planned but would not elevate the design to an exceptional standard. As such, the proposed dwelling would not be truly outstanding, and not reflect the highest standards of architecture.
45. Regarding whether the proposal would raise the standards of design more generally in rural areas, the application proposes a net zero carbon dwelling to be achieved through exemplary energy use, thermal efficiency sustainable materials, construction and appliances, mechanical ventilation and heat recovery, ground source heat pump, roof-mounted solar photovoltaic panels, and electric vehicle charging points. Whilst these measures would meet the adopted Climate Change Guidance for Development Management, there is a lack of 'up front' detail of these measures (contrary to Design Review Panel advice which stated that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods). The applicant has not provided the details to demonstrate that the dwelling would raise energy efficiency standards to the required level for a development to be considered exceptional. In any event none of these measures individually or in combination are ground-breaking or unique, and would not amount to 'outstanding' so as to meet the requirements of the NPPF.
46. The proposed dwelling's immediate setting comprises rural fields, the residential garden of Oxney Isle Barn, and neighbouring residential properties accessed from the same private track via Swan Street. The application site itself is an agricultural field which is periodically used for grazing sheep and is bordered by low-lying hedgerows. That being the case it is characteristic of the local countryside area. In this context, given the erosion of the open and rural

character of the local countryside area that would arise from the proposed building of striking and contextually atypical modern style, combined with the addition of an orchard and ornamental planting synonymous with a residential setting and associated residential paraphernalia, the proposal is not considered to significantly enhance its immediate setting.

47. The main thrust of the applicant's case would seem to be that the proposal is exceptional in terms of environmental performance and biodiversity gains rather than in terms of aesthetics. While the proposed building's net zero carbon credentials would help raise standards of design (if it can indeed be achieved) in specific sustainable construction, in failing to satisfy the other exceptional design quality criteria, the proposal would not qualify as of exceptional quality. Nor would the proposal achieve the outstanding contribution to the landscape character required through the supporting text of Policy HOU5 Part 2, paragraph 6.63.
48. It is therefore concluded that the proposed development would not be of exceptional quality as it is not truly outstanding reflecting the highest standards in architecture. The scheme is not sufficient to meet the rural exceptions test in the development plan's strategic approach to development in the countryside. As such, the proposal would conflict with Part 2 of Policy HOU5 and particularly Paragraph 80 of the NPPF (2021).

Landscape Character and Visual Amenity

49. Paragraph 176 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, among other areas, AONBs, which have the highest status of protection in relation to such matters.
50. The site is located within the High Weald AONB, as outlined above, both HOU5 and the NPPF require great weight to be given to conserving and enhancing the landscape and scenic beauty of the area and the scale and extent of development within the AONB should be limited. The High Weald AONB Management Plan 2019 – 2024 does not form part of the development plan but is a material consideration for decision taking. The High Weald AONB is characterised by small, irregularly-shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands, and typically used for livestock grazing. The management plan states that "the existence of a flourishing and progressive agriculture is fundamental to... the preservation and enhancement of the characteristic landscape". The proposed dwelling would result in an erosion of this visually characteristic farmland and would introduce visually intrusive urbanisation with this protected rural locale, which would not be acceptable.

51. The countryside area between the western edge of Wittersham village and the site is characterised by a relatively flat open rural arable landscape of fields, set within a framework of mature hedgerows with hedgerow trees, with few clusters of dwellinghouses and farmsteads. As such, the open and verdant rural patchwork of hedge-lined fields, and relative lack of buildings are the defining characteristics of the local area. The site is located in a 'sensitive' landscape designation it is afforded the highest level of protection.
52. The application is supported by a Landscape and Visual Impact Assessment, which states that measures including the chosen recessive palette of materials would result in the dwelling blending into its surroundings over time and reinforcing the existing boundary treatment would filter views of the proposal from high sensitivity locations. These measures would not wholly screen the development, and should not be relied upon to do so, meaning that the magnitude of change in character and the degree of visual impact to sensitive viewpoints will be filtered but not ameliorated. The new dwelling would still be notably visible from the adjacent public footpath which runs along the western boundary of the site, and from further afield from Swan Street to the north of the site and therefore the visual harm caused by this dwelling would be perceptible from the public realm.
53. It is considered that the proposed development would lead to erosion of the rural landscape through residential domestication, which would result in unacceptable visual harm to the visual amenity of the AONB. With no overriding justification of the site for residential purposes, I therefore conclude the proposal would harm the character and appearance of the area and the proposal fails to comply with Policy ENV3b.

Impact on residential amenity

54. The single storey nature of the proposed detached dwelling combined with the significant degree of separation of the dwelling from adjoining residential properties (including the applicant's existing house) would ensure that the proposal would not harm adjoining residential amenity in terms of overbearing impact or loss of light. The proposed dwelling would provide first floor accommodation in the form of a small 'gallery' space which would be illuminated via roof lights. However, the said roof lights would only provide oblique views to the applicant's existing house, and would not detrimentally affect the privacy of any other adjoining neighbour.
55. There are standards set out in the Residential Space and Layout SPD (2011) and the Technical Housing Standards – Nationally Described Space Standard (2015) to ensure that new developments provide sufficient amenity for

occupants and Policy HOU15 requires developments to provide an appropriate amount of private amenity space, which should be fit for the intended purpose.

56. Table 1 of the Technical Housing Standards – Nationally Described Space Standard (2015) outlines the minimum gross internal floor area for new dwellings. These standards expect a minimum floor area (Gross Internal Area – GIA) of 74m² for a three (3no.) bedroom dwelling over one (2no.) storey with four (4no.) bed spaces. The proposed dwelling exceeds the minimum standards for total floor space and for individual bedroom sizes. Additionally, all proposed habitable rooms have access to natural light and good quality outlook over the garden to the south. The dwelling would provide an expansive kitchen/dining/living room with separate utility and study. A total of four bathrooms are proposed.
57. Under the requirements of Policy HOU15, new developments should provide sufficient private external amenity space. The application proposes a large private rear garden which would provide ample amenity space for future residents. Given the size of the dwelling and the existing garden sizes within neighbouring properties, the proposed garden size is considered to be acceptable.
58. The proposed scheme is considered to provide a suitable standard of internal and external living accommodation for future occupants, in accordance with the provisions of the Residential Space and Layout SPD (2011), the Technical Housing Standards – Nationally Described Space Standard (2015), and Policy HOU15.

Ecology

59. Policy ENV1 sets out that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve the wider ecological networks. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats, including BAP (Priority) habitats, and networks of ecological interest, including ancient woodland, water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife.
60. The Landscape Environmental Management Plan (LEMP) indicates that the proposal would result in a Biodiversity Net Gain of 27%. New meadow elements, and tree and hedge planting are likely to help contribute to this. KCC Ecology are broadly supportive of the proposed scheme, subject to an amended LEMP to secure a planting schedule to maximise biodiversity value.

61. Therefore, subject to planning conditions, the proposal would not be in conflict with Policy ENV1.

Trees

62. There would be a distance of 3.5m between the existing tree canopy and the proposed dwelling, allowing room for growth as requested by the Trees Officer. As part of the Landscape and Biodiversity proposals for the site (LHLA drawing 364-P207 rev A) the proposal includes 350 sq m of new native woodland, and 21 new native trees in the hedgerows and in the garden of Oxney Isle Barn. The Tree Strategy (LHLA drawing 364-P202) states that 20% of the woodland trees are oak and 4no. trees would be planted as hedgerow trees or in the Oxney Isle garden, making a total of 21 new oak trees to be planted on site.

Highways Safety, Parking and Turning

63. The application provides sufficient space for (2no.) off-road parking spaces for the proposed dwelling, accessed via a new 3m wide access track. This is in accordance with the parking standards as set out in the Residential Parking and Design Guide SPD (2010).
64. KCC Highways have no comment to make on the application as it does not meet their criteria. Notably the access is taken from a low speed/traffic rural track. Visibility splays and additional details regarding secure cycle and bin storage could be secured via condition.
65. The proposal is considered to be in accordance with Policy TRA3a and the Residential Parking and Design Guide SPD (2010).

Flood Risk and Drainage

66. The site is located in Flood Zone 1, and therefore is sequentially appropriate. The Local Lead Flood Authority (LLFA) have reviewed the application and consider it to be low risk. The scheme lacks any additional detail other than as set out on the application form, which indicates that the proposal would be served by a package treatment plant and that surface water will be disposed of in a pond/lake.
67. While the former can be acceptable subject to application of the drainage hierarchy, it is not the sustainable approach and is an evident limitation of rural locations such as in this case.

Impact on Designated Sites (Stodmarsh)

68. The proposed site is outside of the Stour Catchment and will not connect to a wastewater treatment works discharging to it, so will have no impact on the nationally designated protected habitats at Stodmarsh Lakes. The site is not affected by any other designation.

Five Year housing Land Supply Position

69. National policy requires Local Planning Authorities to maintain a five year supply of housing sites (with additional buffer as appropriate). The Local Planning Authority's position on housing land supply, is a 4.54 year supply of housing land, or a shortfall of 0.46 years. Therefore, paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged. However, it is important to note that the presumption in favour of sustainable development as referenced in paragraph 11 (d) of the NPPF would not apply in this instance as the site is located within the AONB which is identified in paragraph 11 of the NPPF and associated footnote 7 to be a 'protected area' which in this instance provides a clear reason for refusing the development proposed. The detrimental impact the scheme would have on the AONB is expanded upon previously within the report. It is considered that the Local Plan policies most relevant to this proposal are consistent with the aim of the NPPF to create sustainable well designed places which are sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, the policies of the Local Plan, including those policies listed within this report must be given full weight in the determination of this application.
70. For the reasons set out above, the proposal would represent an unsustainable form of development and cause demonstrable harm to the character and appearance of the High Weald AONB. The erection of a dwellinghouse would contribute to the supply of housing land in the borough. The scheme does not meet any of the identified exceptions to the policies of rural restraint set out in the development plan and NPPF and not only is this contribution limited, it is significantly and demonstrably outweighed by the harm that would arise and the scheme would cause and the conflict with the development plan and other policies within the Framework.

Human Rights Issues

71. Human rights issues relevant to this application have been taken into account. 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

72. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the

Conclusion

73. The proposal is not supported in principle when considering the strategic policies of the Local Plan and the wider aspirations of the National Planning Policy Framework. The site is not a sustainable location by itself, and residential development within the countryside location, wholly within the boundary of the High Weald AONB, has not been shown to be essential. The proposal is not considered to constitute a dwelling of 'exceptional quality or innovative design' to satisfy Part 2 of Policy HOU5.
74. Furthermore, the proposed development is not considered to meet the requirements of NPPF policy 80 (e). The development is not of exceptional quality, in that it is neither truly outstanding nor would it reflect the highest standards in architecture. While the development would help raise design standards more generally in rural areas, it would not significantly enhance its immediate setting.
75. There are not considered to be any exceptional circumstances that would justify a departure from the Development Plan. In particular, the conflict with Policies HOU5 and ENV3b of the adopted Local Plan and in the absence of material planning considerations which would outweigh such harm, the development is considered unacceptable.

Recommendation

Refuse

- A. The proposed development lies outside of the settlement boundaries of any identified suitable settlement within the Ashford Local Plan 2030 and would give rise to an unsustainable new home in the countryside, contrary to the adopted spatial strategy and without any overriding justification provided to support this form of development. The proposal is not a dwelling of 'exceptional quality or innovative design', as set out by the application, and so does not satisfy the exception criteria of Policy HOU5 or Paragraph 80(e) of the NPPF. As such, this form of development fails to accord with Policy HOU5 of the Ashford Local

Plan (2030) and the aims and objectives set out in the National Planning Policy Framework 2021.

- B. The development will harm the intrinsic character and qualities of the site and surrounding countryside and fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). The proposal would therefore be contrary to policy ENV3b of the Local Plan and the aims and objectives of the National Planning Policy Framework 2021.

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 PA/2022/2708)

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Report of the Ashford Design Review Panel

Land adjacent to Oxney Isle Barn

18th July 2022

Chair's review

Reference number	1855/080721
Date	8th July 2022
Meeting location	Online via Teams
Panel members reviewing	Liz Gibney (chair), architecture Peter Neal, landscape architecture and ecology
Panel manager	Helen Goodwin, Design South East
Presenting team	Attendance not required for a chair's review
Other attendees	Attendance not required for a chair's review
Site visit	Following two previous design review meetings during which a presentation of the site context was given virtually by the applicant team, a site visit was not required for this chair's review.
Scope of the review	As an independent design review panel, the scope of this review was not restricted.
Panel interests	N/A
Confidentiality	This report is confidential as the scheme is not yet the subject of a detailed planning application. Full details of our confidentiality policy can be found at the end of this report.

The proposal

Site location	Land adjoining Oxney Isle Barn, Swan Street, Wittersham TN30 7PL
Site details	The site for this proposal is a field of 1.3 hectares adjoining Oxney Isle Barn, located to the west of the village of Wittersham in Kent. The site is accessed from the private lane to the north of the site which leads to a cluster of existing dwellings, of which Oxney Isle Barn forms a part. This cluster has developed around Wittersham Manor, a Grade II listed building dating from the seventeenth century. Additional dwellings form a loosely-grouped ensemble to the west of the Manor. Blackbrook Lane, which forms the western boundary of the site, leads to Blackbrook Farm, with the lane sitting approximately 1.4 – 1.8 metres below the site and separated by a mature hedgerow. The site itself falls gently by 3m toward the southern boundary, where a post and wire fence allows extensive views south over the open countryside. To the east of the site, the mature tree line of the adjoining property forms a feature of the landscape. The entire area forms part of the Isle of Oxney, once an island but now surrounded by the Rother Levels, an area of reclaimed land around the lower course of the River Rother.
Proposal	This is a proposal for a new dwelling on land adjoining the applicants' existing house, Oxney Isle Barn.
Planning stage	Pre-application
Local planning authority	Ashford Borough Council
Planning context	Paragraph 80 of the National Planning Policy Framework (NPPF, 2021) states that 'planning policies and decisions should avoid the development of isolated homes in the countryside' unless the design is of 'exceptional quality'. The site falls within the High Weald Area of Outstanding Natural Beauty (AONB). Local design policy HOU5 (part 2) is also relevant to this proposal.
Planning authority perspective	The recommendations of the panel are intended to support the authority in assessing the strength of the case for passing the stringent test of a Paragraph 80 dwelling.

Previous reviews A proposal for a dwelling on this site was previously reviewed by the Ashford Design Review Panel, managed by Design South East, in September 2020 and again in November 2021.

The recommendations from the previous design review (10.11.21) were as follows:

1. Provide a set of section and elevation drawings that show the building in its wider setting to explain how it responds to and significantly enhances its context.
2. Reconsider the extended linear form and significantly enlarged footprint of the building to find a resolution that better reflects the characteristics of local farmsteads or clustered dwellings with outbuildings.
3. Ensure that the building is embedded within its landscape setting to reflect the character of existing buildings that nestle within a treescape.
4. Give further consideration to the transition between building, terrace, meadow and grazed field and consider additional strategic tree or hedge planting.
5. Demonstrate an exceptional response to biodiversity net gain, enhanced habitat creation to support wildlife and ecology, and sustainable water management

Paragraph 80 dwellings and design review

The recommendations of the panel are intended to support the applicant and authority team in assessing the strength of the case for passing the stringent test of a Paragraph 80 dwelling. This allows an exception to restrictions seeking to avoid development of isolated homes in the countryside in the planning system that allows the construction of a new house:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”* (NPPF 2021, para 80(e))

Demonstration of ‘exceptional quality’ is an essential prerequisite to a paragraph 80e) application. Whilst it may be challenging to define exactly what ‘exceptional quality’ of design is, it is clear that both building design and landscape design must work together in response to the specific rural setting.

A presumption in favour of sustainable development is explicit in the National Planning Policy Framework. To be ‘outstanding’, a Paragraph 80 house must be constructed to an exemplary level of energy efficiency, incorporating progressive sustainable construction features and technologies in response to climate change.

Independent design review is a tool for assessing design quality. The panel's impartial advice and recommendations are offered to support the applicant team to achieve the exceptional quality set by the NPPF and to support both the applicant and the authority to assess the design quality in order to inform the determination of the application.

Summary

The applicant team has constructively engaged with and responded to the key recommendations from the previous Ashford Design Review Panel meetings. The building and landscape now work together much more successfully in response to the specific rural setting in this Area of Outstanding Natural Beauty (AONB).

The form and mass of the building now appear as a cluster of elements, rather than as a singular building, on account of the varied roofscape of flat and pitched roof elements. As a result, the dwelling is more comfortably integrated with the ensemble of buildings on Swan Street, having more of a farmstead character than in previous iterations. The dwelling is better integrated with its immediate landscape setting, and the planting strategy will support enhanced habitats and contribute to biodiversity net gain.

In order to meet the stringent criteria for a Paragraph 80 dwelling, demonstration of exceptional sustainability credentials in the construction, materials and detailing of the building is now needed to give weight and justification to the argument for building in this location.

Key recommendations

1. Demonstrate the modelling of an energy strategy that will meet zero carbon targets and how the materials, detailing and construction will meet those targets.
2. Demonstrate the quality of materials and detailing through large scale drawings at 1:20 and 1:5 of key elements of the building to ensure exceptional design quality.
3. Provide actual material samples which should be secured by condition as part of any planning approval to ensure design of an exceptional quality.
4. Avoid incursion into the root protection area of the existing trees, if at all possible.
5. Prepare a landscape and habitat management plan to ensure quality of the landscape and ecological features in the long-term.
6. Identify the location of underground storage tanks and consider the impact on surface treatments and planting.

Detailed comments and recommendations

1. Energy strategy and sustainability

- 1.1. A Paragraph 80 scheme demands an exceptional approach to sustainability through reduction of embodied and operational carbon. This requires innovation that should go beyond standard building regulations, to meet Passivhaus standards.
- 1.2. The approach to energy efficiency is not presented in sufficient detail in the drawings. Our guidance is that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods.

2. Sustainability, biodiversity and ecology

- 2.1. The proposals include additional habitat planting with a good mix of native species and a Biodiversity Metric calculation indicating a Biodiversity Net Gain of 27%. This significantly exceeds the statutory requirement for 10%+ BNG.
- 2.2. A series of linked wildlife ponds on the western boundary provide an ecologically structured sustainable drainage system aligned with the topography of the site.

3. Setting of the building

- 3.1. The proposal now sits more comfortably within the curtilage of the Wittersham Manor hamlet, and the building has a much improved relationship with the buildings on Swan Street, with the existing barn and the lane to the west. The proposals include a set of landscape studies supported by longitudinal and cross sections that demonstrate how the site planning and proposed building fits within its context.
- 3.2. The arrival into a courtyard space around which the building wraps enhances the building's farmstead characteristics, and the terrace opens out successfully to take in the extensive views to the south. The building now mediates more sensitively as a threshold between settlement and open countryside.

4. Building form, plan and landscape

- 4.1. The form of the building now blends more successfully with the enhanced landscape, wrapping around the terrace rather than projecting out into the landscape.

- 4.2. The fragmented roof form provides more variety and makes better reference to local vernacular buildings. The removal of the extensive flat roof means the form now responds more sensitively to the pitched roofs of the surrounding buildings, barns and outhouses, helping the building to integrate better with its context.
- 4.3. The footprint of the building is still more extensive than that of the existing barn and other surrounding buildings, but by breaking down the roof form, the building has a less monolithic appearance.
- 4.4. The proposal includes additional strategic tree planting beyond the site boundary to the west of the existing Oxney Isle Barn and two areas of orchard planting within the development site to the east of the proposed building. The proposed orchard planting in particular will contribute to the distinctive mature treescape of the context of the site. Once established these trees should allow the proposed building to sit more sensitively within the structure and character of the surrounding landscape. Additional tree planting is also proposed within the south-west corner of the site that should contribute to framing distant views towards the site from the south.
- 4.5. The landscape proposals provide a planned transition from the surrounding garden planted with ornamental shrub and herbaceous species to sheep grazing meadow that is to be separated by 'invisible' electric stock fencing between garden and field. In reality, the proposed stock fencing is likely to be visible, although the planned orchard planting will add to this landscape transition. The ecological structure of the western and eastern boundaries of the development site will be strengthened by the additional native planting.
- 4.6. Although it is acknowledged that there is a minimal southwards fall of circa 1.0 - 1.5m across the building footprint, the current proposals do not include a grading or proposed landform plan. From the previous DRP it is understood that cut and fill will be balanced across the site. Any requirement for retaining structures, particularly adjacent to the western elevation of the building adjacent to the native hedgerow, should be shown.
- 4.7. The small incursion into the Root Protection Area of the existing trees (T2, T3 & T4) is unfortunate and should be avoided if at all possible. It would be essential that the health of these existing trees is safeguarded throughout the design and development process and follows established good practice, including British Standard BS 5837:2012 - Trees in relation to design, demolition and construction. The Tree Protection Plan should also name the species of trees that are listed.
- 4.8. The landscape design proposals incorporate a variety of sustainable drainage features, including rainwater harvesting from the roofs and rain gardens. It is unclear whether these measures will include underground storage tanks and, if so, the

location of these should be shown and the impact on surface treatments and planting should be considered and detailed.

- 4.9. The native planting and habitat proposals are welcomed and in particular the areas of native scrub that are especially beneficial to bird species. It is recommended that a landscape and habitat management plan is prepared to demonstrate how these landscape and ecological features will be established and maintained in the long-term. This should pay particular attention to the management of sheep grazing on adjacent pasture to ensure this does not have a detrimental impact on the habitat proposals and in particular establishing areas of tall ruderal grassland species.
- 4.10. From the previous design review meeting, the additional tree planting within the south-west corner of the site was understood to assist with carbon sequestration and offsetting. If this continues to be the case, the applicant should consider calculating the amount of carbon that will be offset within the development site and include this measurement as part of the planning submission to strengthen the sustainable design qualities of the proposal.
5. Materials and detailing
 - 5.1. The quality of the bricks and tiles and the detailing of materials for the building will be critical to the success of the scheme, but limited information is provided. A contemporary approach is supported, but the reference to the Kentish rural vernacular should include the use of tiles with a characteristic variation in tone.
 - 5.2. There must be careful window/glazing specification, particularly if there is to be extensive fenestration as currently shown. More selective placement of windows and framing of views instead of the entire glazed south and east walls of the kitchen/living space could provide more hierarchy of light and space internally and more interest to the south and east elevations of the building.
 - 5.3. Paragraph 135 of the National Planning Policy Framework (2021) states: ‘Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).’
 - 5.4. In order to be consistent with this national policy, the applicant team and local authority should note Design South East’s general guidance on material quality and detail. At planning application stage, the quality of the detailing should be demonstrated through large scale drawings at 1:20 and 1:5 of key elements of the building/landscape and should be accompanied by actual material samples which should be secured by condition as part of any planning approval.

Confidentiality

If the scheme was not the subject of a planning application when it came to the panel, this report is offered in confidence to those who attended the review meeting. There is no objection to the report being shared within the recipients' organisations. Design South East reserves the right to make the contents of this report known should the views contained in this report be made public in whole or in part (either accurately or inaccurately). Unless previously agreed, pre-application reports will be made publicly available if the scheme becomes the subject of a planning application or public inquiry. Design South East also reserves the right to make this report available to another design review panel should the scheme go before them. If you do not require this report to be kept confidential, please inform us.

If the scheme is the subject of a planning application the report will be made publicly available and we expect the local authority to include it in the case documents.

Role of design review

This is the report of a design review panel, forum or workshop. Design review is endorsed by the National Planning Policy Framework and the opinions and recommendations of properly conducted, independent design review panels should be given weight in planning decisions including appeals. The panel does not take planning decisions. Its role is advisory. The panel's advice is only one of a number of considerations that local planning authorities have to take into account in making their decisions. The role of design review is to provide independent expert advice to both the applicant and the local planning authority. We will try to make sure that the panel are informed about the views of local residents and businesses to inform their understanding of the context of the proposal. However, design review is a separate process to community engagement and consultation.

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