



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 8th November, 2023 at 7.00 pm.

The Members of the Planning Committee are:-

Councillor Blanford (Chair)
Councillor Heyes (Vice-Chair)

Cllrs. Betty, Brunger-Randall, Chilton, Gathern, Harman (ex-officio, non-voting), Ledger, McGeever, Mulholland, Nilsson, Roden, Spain and Walder

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. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 4th October 2023.

[\(Public Pack\)Minutes Document for Planning Committee, 04/10/2023 19:00 \(moderngov.co.uk\)](#)

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

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/2023/0424 - Garages (1-18), to the rear of 12 and 13 Thorne Estate, Thorne Estate, Pluckley, TN27 0RD | 9 - 30 |
| | Proposed residential development comprising of 3 dwellings together with associated vehicular and pedestrian access, parking, landscaping and boundary treatments, including the demolition of some existing garages | |
| (b) | PA/2022/2784 - 70, Lower Vicarage Road, Kennington, Ashford, TN24 9AS | 31 - 50 |
| | Proposed demolition of existing bungalow and erection of 3 new dwellings | |
| (c) | PA/2023/0821 - Little Coombe, Little Coombe, Hastingleigh, TN25 5JB | 51 - 64 |
| | Proposed change of use of land and proposed annexe accommodation following demolition of existing outbuilding | |

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

31 October 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

This page is intentionally left blank

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	PA/2023/0424
Location	Garages (1-18), to the rear of 12 and 13 Thorne Estate, Thorne Estate, Pluckley, TN27 0RD
Grid Reference	Easting (x) 592044; Northing (y) 144800
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed residential development comprising of 3 dwellings together with associated vehicular and pedestrian access, parking, landscaping and boundary treatments, including the demolition of some existing garages
Applicant	Assistant Director – Housing, Sharon Williams (ABC)
Agent	Ms. Asri Asra
Site Area	0.12 ha(approx. 1000sqm)

Introduction

1. This application relates to a housing scheme (3 dwellings) proposed by Ashford Borough Council.

Site and Surroundings

2. The site lies within the village of Pluckley Thorne and approximately 1.1km southwest of Pluckley Village centre. Occupying an area of approximately 0.12 hectares (ha), the site is bordered by The Thorne Estate existing residential developments to the southwest and northwest, a council owned public amenity open space to the southeast and a private field to the northeast.
3. The site consists of two sets of domestic garages, totalling 18 units, with 11 of them currently being rented. Access to the garages is provided directly from The Thorne Estate. The part of the site lies within the confines of Pluckley Thorne as defined in the adopted Local Plan whilst a small part of the site lies within an area designated as Amenity Public Open Space known locally as Thorne Field. It is owned by the Council and lies outside of the confines of Pluckley Thorne.

4. A pair of bus stops are located approximately 100 meters northeast of the site on Smarden Road. The Stagecoach 10E school bus service stops at these stops, which operates between Ashford and Egerton. This service runs once in the morning and once in the afternoon Monday to Friday, school only days.
5. The nearest railway station is Pluckley Station approximately 2km away, which offers services hourly and at peak times there are two services an hour, providing access to Ashford International railway station. This station offers connections to London St Pancras International, London Victoria, London Charing Cross, Ramsgate, Margate, Eastbourne, and Dover Priory.
6. A site location plan is as shown in Figure 1 below.



Figure 1: Site Location Plan



Figure 2: Site Plan

Background and Proposal

7. The Five Year Housing Land Supply Update July 2021, sets out that Ashford now has an identifiable 4.54 year supply of housing land, or a shortfall of 0.46 years. As a result the Council are unable to demonstrate a 5 year supply of housing. Given the absence of a 5 year housing land supply more weight is afforded to the National Planning Policy Framework 2023 (NPPF) than Local Plan housing policies, in particular the requirement to significantly boost housing supply set out in the NPPF.
8. The application seeks planning permission for the demolition of twelve of the existing garages and the erection of 2no. 3 bedroom, 5 person dwellings (3B5P) and 1no. 2 bedroom, 4 person dwelling (2B4P). It should be noted that the intention is to provide 100% affordable housing. The proposed housing development would follow the existing urban pattern, consisting of a terrace configuration that fronts the council owned public amenity open space. To optimise space and enhance the size of the gardens on the two end terrace

homes, the houses will have wrap around gardens, to offset the space taken up for on-site parking. The terrace would be predominantly 2 storeys high at the centre of the site with the end terrace houses reducing to single storey with lean to/catslide roofs. Inset entrances to the end terrace homes are proposed with a canopy over the mid terrace to define and delineate individual properties. Light red/pink brick is proposed for the base of the terrace and for the central set back 2B4P house. The end 3B5P houses would be clad in timber shingles that would start out a warm timber colour and fade to a silvery grey hue over time. Green coloured windows and doors and a brown/red clay tile roof are proposed.

9. Each dwelling would have dedicated parking spaces for two vehicles. Two visitor parking spaces would also be provided for the development. The refuse stores are within the rear gardens with the refuse collection point shown at the entrance to the site adjacent to The Thorne Estate.
10. All rear gardens would have external access, with the back gardens of the three terrace houses being accessible from the parking/turning area adjacent to the retained garage block. The front of the properties would open out onto the council owned public amenity open space with a footpath adjacent to this and alongside the two existing bungalows (12 and 13) to provide front pedestrian access to the dwellings. A low level brick wall with piers and open railings are proposed to the front of the properties to separate them from the public amenity open space. High level brick walls and close boarded timber fencing is proposed for all other boundary treatments.
11. A small area of encroachment would occur from the site into the grassland within the public open space. This would be approximately 4.8m at the widest point adjacent to the north eastern boundary and it would taper down to 2.4m at the narrowest point. Other than the grass, there are no trees or vegetation proposed to be removed.
12. Finally, air source heat pumps, photovoltaic solar panels on the roofs, water butts, compost bins and electric car charging points would be provided for all three dwellings.

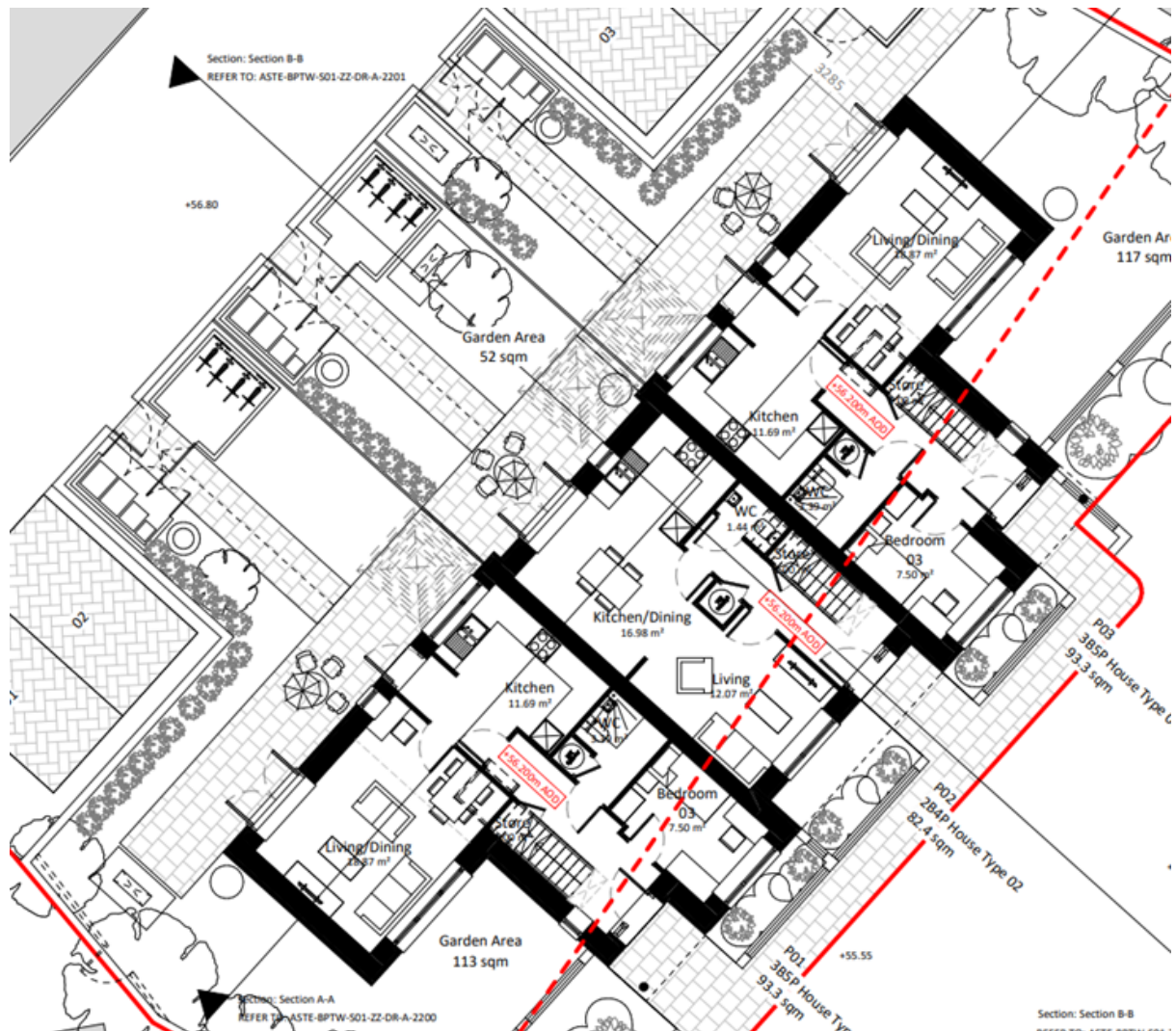


Figure 3: Proposed Ground Floor Plan

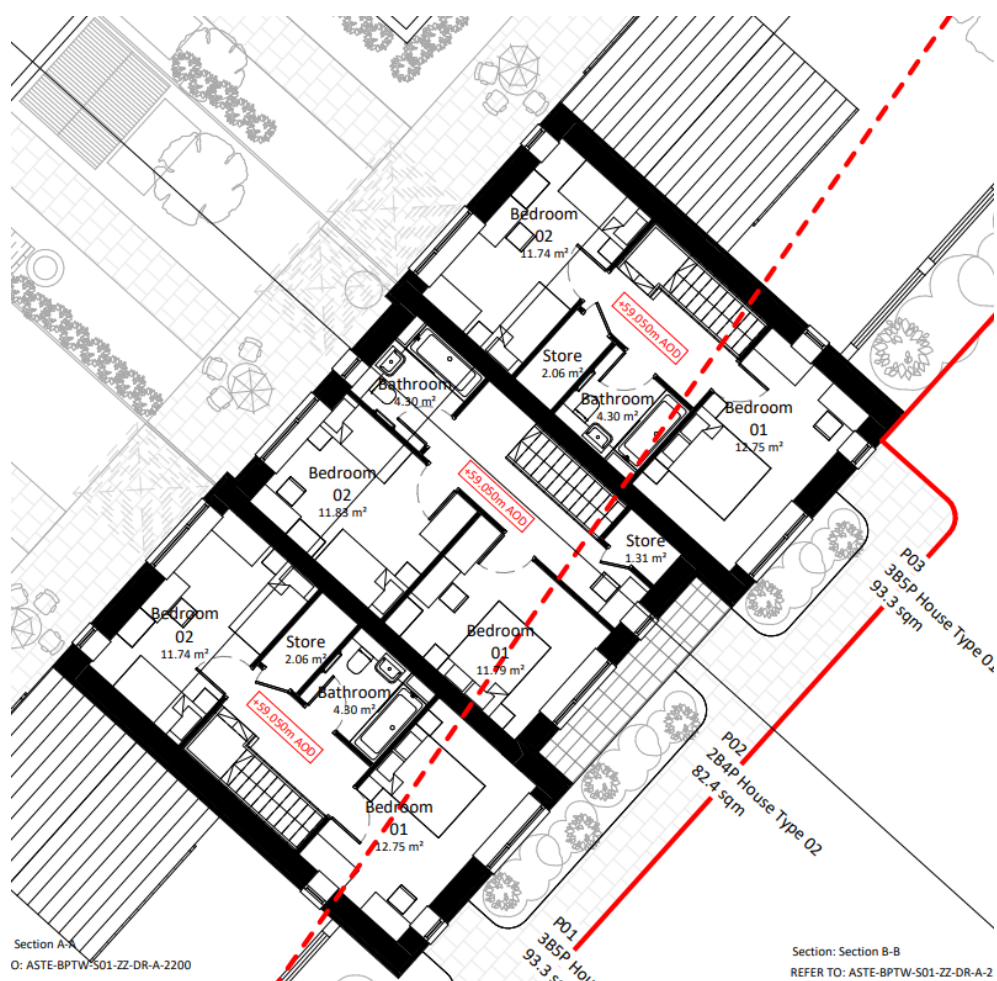


Figure 4: First Floor Plan

Planning History

- The site and its surrounding area were historically used as agriculture land of open fields as part of Thorne Farm. The surrounding Thorne Estate residential area was developed circa 1970s and remains largely unchanged.
- The site does not have any other relevant planning history.

Consultations

13. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.
- Pluckley Parish Council – supports the application.

The Parish Council is happy to support this application as it delivers the type of affordable housing sought in the Neighbourhood Plan and reflects the wishes of the village as a whole. The proposed development reflects the extensive consultation that has taken place between ABC and the Parish Council and we are appreciative of the work that has been undertaken through parking studies, impact of the surrounding area etc. It is worth noting however that some of the residents of Thorne Estate are still unhappy about the proposed development and expressed reservations about the following at the recent Parish Council meeting:

Car Parking – they are worried that despite the proposal for 10 parking spaces for the 3 new houses there will still be a shortage of places to park in the vicinity.

Access for emergency vehicles – residents questioned whether the access was wide enough to meet the required provision for emergency vehicles

Garages not being used – while there was acceptance that the garages were not being used it was suggested that this could be because they were in a poor state of repair although it was unclear whether residents would be prepared to pay for them if they were better maintained.

Damage to residential amenity – neighbours are concerned at the potential damage to views and are worried about being overlooked by the new development

Road stability – one of the residents pointed out that there had been previous challenges with subsidence due to the existence of an old cess pit tank

Residents also questioned whether it would, in fact, be preferable to demolish all of the existing garages to create more parking spaces for the Thorne Estate as a whole

- KCC Highways – no objection raised subject to an informative stating that planning permission does not convey any approval to carry out works on or affecting the public highway.
- Kent Police – no comments received.
- KCC Biodiversity - sufficient ecological information has been provided. No objection subject to conditions for a biodiversity lighting design plan and a biodiversity enhancement plan.
- Kent Fire and Rescue - the access requirements for the Fire and Rescue Service have not been met at this stage. Details provided show inadequate access for the fire service. Applicants should be aware that in the event of planning permission being granted, the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010,

to be established. Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

- ABC Environmental Services - Refuse Collection - the communal refuse collection point needs to be within 10m of where the RCV passes. As there will be 3 bins (up to 6 if residents subscribe to the garden waste service) presented in one location this is classed as a communal collection point. The developer needs to be aware of the requirement to pay for the provision of new services (full sets of wheeled bins) to these premises when completed. Collections will be on an alternate weekly basis with refuse and food waste collected week one, recycling and food waste collected week two.
- ABC Housing Services - Affordable Housing – Support. This application by the housing service at Ashford Borough Council has been in the planning for many, many months. It has sought the views of stakeholders along the way, as outlined in the submission documentation. Close working with the parish council from the outset on the possibility of the site's use and also a detailed consultation with local residents can be evidenced. The upshot of which is a scheme, which following pre-planning advice was revised to comprise of three homes. This is a proportionate scheme and there is absolutely an identifiable need for this scheme based on the work of the parish council and the housing waiting list. The proposed homes are of good quality and will all be affordable, that is to say as close to social rent as possible, to make them genuinely affordable homes. We fully endorse this application.
- Environmental Protection – no objection raised subject to conditions in relation to EV Charging, land or groundwater contamination, unexpected contamination, No occupation until sewage disposal works have been completed and an informative in respect of construction/demolition hours, no burning of controlled waste and minimising dust emissions.

Neighbours

6 letters of representations received objecting to the planning application and raising the following matters:

- Proposal is contrary to green belt philosophy and protocol.
- Encroachment into public green space. Could set a precedent for future development.
- The two storey design out of keeping with adjacent bungalows and the other dwellings on the estate.
- Overlooking concerns.
- Overbearing concerns.
- Bungalows would be preferable to avoid overlooking.
- The proposed middle dwelling has inadequate private outdoor amenity space.

- The estate already lacks adequate parking spaces for the existing dwellings and three new dwellings would exacerbate this by removing existing parking provision.
- Many dropped kerbs, which already restricts kerbside parking.
- Parked cars already restrict views at the entrance to the estate.
- Parked cars already hinder emergency vehicle access.
- The entrance to the site is narrow with poor visibility onto the estate road.
- Narrow entrance to the rear of the proposed houses with an existing dwelling opening onto this.
- The development would obstruct the existing farm access through double fence gates that allow egress to adjacent paddocks. It is not clear that the plans have taken this access requirement into consideration.
- No local primary school places available.
- Doctor's surgery already very full.
- No nearby bus service or bus stops.
- No pedestrian footpath to the station.
- Proposed location of refuse bins in the car park is unsuitable.
- Construction vehicles, machinery and construction material storage could cause problems outside of the site.
- Noise pollution from construction activities.
- No Stodmarsh assessment.
- Inconsistency on plans regarding cycle storage and bin storage.

Planning Policy

14. 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), the Charing Neighbourhood Plan 2023 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
15. The Local Plan polices relevant to this application are as follows:
 - SP1 Strategic Objectives
 - SP2 The Strategic Approach to Housing Delivery
 - SP6 Promoting High Quality Design
 - HOU3a Residential Windfall Development
 - HOU12 Residential Space Standards (internal)
 - HOU14 Accessibility standards
 - HOU15 Private external open space
 - ENV1 Biodiversity
 - ENV3a Landscape Character and Design
 - ENV7 Water Efficiency
 - ENV9 Sustainable Drainage
 - TRA3a Parking Standards for Residential Development

- TRA6 Provision for Cycling
- EMP6 Promotion of Fibre to the Premises (FTTP)
- COM1 Meeting the Community's Needs
- COM2 Recreation, Sport, Play and Open Spaces

16. Pluckley Neighbourhood Plan 2016 – 2031 policies relevant to this application are as follows:

- R1 Landscape Character and Design
- R4 Recreation and Community Use
- H1A Windfall sites
- H2A Design Standards
- H2C Lighting
- E2 Seek better Communications
- E3 Traffic management through the parish

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

Supplementary Planning Guidance/Documents

- Fibre to the Premises SPD, 2020
- Dark Skies SPD, 2014
- Residential Space and Layout SPD, 2011
- Sustainable Drainage SPD, 2010
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010

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) 2023
- Planning Practice Guidance
- National Design Guide 2021
- Technical Housing Standards – nationally described standards
- Article 6(3) of the Habitats Directive; Habitats Regulations 2017

ASSESSMENT

18. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Living conditions of the future occupants
- Impact on Public Open Space
- Impact on Highways
- Stodmarsh Catchment Area
- Impact on Ecology and Trees

Principle of development

19. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
20. The Council are currently unable to demonstrate a five-year supply however, the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are HOU3, HOU5 and ENV3a.
21. The majority of the site lies within Pluckley Thorne whilst a small part of the site lies outside the settlement confines that forms part of the Public Open Space (called as Thorne Field). For the purposes of planning, the part of the site that lies outside the confines is considered to be within the countryside and as such, policies HOU3a and HOU5 would apply in this instance.
20. Further to the above, regard must be had to the Pluckley Neighbourhood Plan. In relation to the part of the site that is outside of the village confines, it is not one of the allocated sites identified in policy H1 of the Pluckley Neighbourhood Plan and policy H1A of the Pluckley Neighbourhood Plan is therefore relevant. The policy requires consideration of those sites which have not been identified in the Plan, but which may come forward as windfall sites within "the confines of the continuous developed areas of the three settlement areas of the parish". It is understood that the site has been considered by the Parish Council who are happy to support this application as it delivers the type of affordable housing sought in the Neighbourhood Plan and reflects the wishes of the village as a whole.

22. The proposal complies with the listed criteria under Local Plan policy HOU3a in so far as it is largely within the defined Village confines and considered suitable for infilling. It is of a scale that can be satisfactorily integrated into the existing settlement.
23. Policy HOU5 applies to windfall housing sites outside the built settlement confines. It is a permissive policy and seeks to grant development outside the built confines but in a sustainable location with no significant ecological or landscape impacts. The policy aligns with the aim of the NPPF to 'avoid isolated development in the countryside', and is therefore considered to be broadly consistent with the Framework. Policy HOU5 of Local Plan lists a number of criteria for residential development which are adjacent to or near to a range of sustainable rural settlement, including Pluckley Thorne, which is a designated sustainable settlement and 2km from Pluckley Station. Pluckley, Pluckley Thorne and Pluckley Station collectively form the whole settlement. The application site has easy access to Pluckley mainline train station and bus services. The nearest primary school and other services and facilities including a shop/Post Office, pubs, sports ground and sports pavilion are located 1 km away in Pluckley Village Centre. The village school serves the three identified centres and is also within 1km of the site. The school bus route passes within 100m of the site and links with other schools outside of Pluckley.
24. Policy ENV3a generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. It is therefore considered that, for the purposes of this application, ENV3a should be afforded significant weight. Detailed assessment has been carried out in respect of the impact of the development on the character and appearance of the countryside under 'Character and Appearance' section.
25. In light of the above, the proposal would comply with policy H1A of the Pluckley Neighbourhood Plan, policies HOU3a and HOU5 of the Local Plan.
26. The NPPF paragraph 79 requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and paragraph 104 prioritises pedestrian and cycle movements and facilitating access to high quality public transport whilst paragraph 105 requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore, the proposal would be contrary to paragraphs 79, 104 and 105 of the NPPF.
27. Regard has also been had had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Character and Appearance

28. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements, which in this instance is Pluckley Neighbourhood Plan 2016 – 2031.
29. Regard has been had for planning policy ENV3a which seeks to protect the special character of the countryside. Paragraph 174 of the Framework seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and of trees and woodland. Regard must also be had to policy R1 of the Pluckley Neighbourhood Plan.
30. The site lies within Mundy Bois Mixed Farmlands LCA. The overall guidelines for the area are to conserve and improve the landscape. The key characteristics of the LCA include gently undulating landform which forms part of the foreground to the steep Greensand Ridge; Fields set within a regular framework of native hedgerows; Regular, frequently spaced hedgerow trees • Narrow hedge and ditch lined lanes and Large, traditional and often converted buildings scattered along lanes and clustered around junctions.
31. The site currently comprises garages and hardstanding with a strip of public open space. The proposal would involve demolition of 12 garages out of 18 and erection of 3 two storey dwellinghouses fronting the Thorne Field. To further clarify, the development would result in an encroachment of approximately 5.2m at the widest point adjacent to the north eastern boundary and would taper down to 2.4m at the narrowest point along the north western boundary of Thorne Field. Part of this encroachment would be to form the pedestrian footway and landscaping to the front of the proposed dwellings. The proposal would be well contained within the application site and would be read in conjunction with a row of existing dwellings fronting Thorne estate when viewed from the open fields to the northeast.
32. It is noted that the majority of the neighbouring houses are bungalows and semi-detached and terraced houses dating back to around the 1970s. The houses surrounding the site are fairly uniform although there are variations in respect of the house type on either side of the road with further variations in detailing and porch designs. A pair of semi-detached bungalows (no.12 and no.13) are immediately adjacent to the site. In respect of roof forms, pitched side gables prevail with a number of front gables. The key elements include entrance porches and brick chimneys. In terms of the materials palette, it is predominantly brick with variation in brick colour, UPVC/metal fenestration and clay red/brown tiled roofs.

33. The proposed houses would be sited to follow the frontage of no.12 and no.13 Thorne Estate and continue along, turning the corner to fully complete the existing urban grain with rear gardens and amenities to the back. The main frontage of the terrace and new pedestrian access route will provide an active frontage and natural surveillance to the open public amenity space. The design of the houses takes inspiration from the existing adjacent houses, ensuring a cohesive visual appearance within the neighbourhood. A two storey element is at the centre of the terrace with the end terrace houses reduced to single storey to complement the adjacent no.12 and no.13.
34. A front gable is proposed for the end terrace homes, referencing the semi-detached properties on Thorne Estate (such as no.14-15 opposite) with the mid terrace house inset to create interest and demarcate the different house types. The 3-bed end of terrace homes have a single storey living space with lean-to roofs that reference the large mansard roofs along Smarden Road. Inset entrances to the end terrace homes are proposed with a continuous canopy over the mid terrace.



Figure 5: Rendered View



Figure 6: Rendered View

35. In respect of landscaping, private external amenity for each dwelling is proposed in the form of a secure, rear garden and has been designed to allow for a sitting out area, clothes drying area, small shed and area of play as well as space to plant shrubs and small trees. The two end terrace homes will also have garden space to the side in order to offset the area at the rear that will form the onsite parking. Planted borders will be incorporated to the front of the dwellings with low brick walls and railings to provide a clear division and separation between the public amenity open space.
36. Having regard to the above, the proposed development is considered appropriately sited and designed and would not detract from the character and appearance of the street scene or the wider landscape. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, ENV3a, HOU3a of the Local Plan, policies R1, H1A and H2A of the Pluckley Neighbourhood Plan and paragraph 130 of the National Planning Policy Framework.

Residential Amenity

37. The application site has a rectangular shape, fronts the public amenity open space and is surrounded by houses on three sides with accesses off The Thorne Estate. It is noted that regard has been had to the residential amenity of the neighbouring occupiers and appropriate separation distances have been retained between the proposed dwellings and the neighbouring properties. Having regard for the sufficient separation distances, it is not considered that the proposed development would not cause loss of light, sense of enclosure or overshadowing to the neighbouring occupiers. Having regard to the above, the proposed development is considered acceptable in terms of residential amenity impact.

Living conditions of the future occupants

38. Regard must also be had to whether the proposed development would provide a high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to the public amenity open space. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Impact on Public Open Space

39. Policy R4 of the Pluckley Neighbourhood Plan includes reference to Thorne Field. The policy states that proposals for development will not be supported that impinge or in any way detract from these areas, unless they are related to the existing recreational use, are required for a statutory utility infrastructure purpose, are shown to be surplus to requirements from a formal assessment, any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. The accompanying text states that Thorne Field is enjoyed by the residents of the estate as a space for children to play rather than having to walk the half-mile to the QEII Recreation Ground, and for dog walkers. Similar requirements form part of Local Plan policies COM1 (meeting the community's needs) and COM2 (recreation, sport, play and open spaces), which are in line with the requirements of the NPPF paragraphs 84 and 99, which state the importance of providing and retaining valued recreational facilities for the community.
40. The proposed development would result in an encroachment (beyond the confines) of 5.2m at the widest point adjacent to the north eastern boundary and would taper down to 2.4m at the narrowest point of Thorne Field. The overall area of Thorne field (identified as Public Open Space) as a whole is approximately 6150sqm (6.5ha). The encroachment would be a total of 278sqm, which equates to approximately 4.5% of the total area of the field. This is minimal in comparison to the overall scale of the field with the vast majority of the field retained for its existing use by local residents. The encroachment would not hinder the use of this space and would function as a public amenity space.
41. In conclusion, whilst the loss of a small section of the field is acknowledged, it is not considered that this would result in a qualitative loss of the existing

public open space. Taking the above into the round, on balance, the proposal would comply with policy R4 of the Pluckley Neighbourhood Plan, policies COM1 and COM2 of the Local Plan as well as paragraphs 84 and 99 of the NPPF (2023).

Impact on Highways

42. The site lies on the edge of the countryside, with a section of the site lying outside of the confines whilst the majority of the site falls within the defined confines of Pluckley Thorne. Policy TRA3(a) requires that development to provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires 2/3 bedroom houses to provide 2 parking spaces. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for 3 dwellings would be 6 car parking spaces plus 0.6 visitor space. Spaces for the 3B5P homes would be located directly adjacent to their rear garden and the parking spaces for the 2B4P would be located opposite, adjacent to the retained existing garages. 2 no. unallocated visitors' spaces are also proposed. The proposal would therefore make provision for 2 parking spaces per unit (6 spaces in total) plus 2 visitor parking spaces. The parking spaces would be equipped with EV Charging facilities. It is understood that these would be provided via a wall mounted socket charging point (such as a Solo Smart Charger) fixed to the rear garden walls for where vehicles are directly adjacent to the dwellings and standing EVC points would be provided adjacent to the car parking spaces opposite the dwellings to eliminate trailing cables across the access. The proposal would therefore comply with policy TRA3a of the local plan and paragraph 112 of the NPPF.
43. Cycle parking has been provided in line with ABC Local Plan 2030 Policy TRA6. A garden shed with capacity for 2no cycle spaces has been allowed for within the rear garden of the dwellings.
44. Regard must also be had to whether the loss of garages would result in an unacceptable impact on the highway network. Paragraph 110 of the NPPF states, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
45. The application has been accompanied by an Access Strategy, which includes a survey of the garages. This concludes that 11 out of the 18 garages are rented. 7 garages are rented to 3 properties on Thorne Estate; with 2 of the properties renting three each. The 3 properties renting garages have off street parking opportunities that will not be affected by this development. 4 garages are rented to people not registered in a property

within the area local to the garage site. The survey alongside adequate off street parking as well as retention of 6 of the existing garages and additional parking for no.12 and 13 Thorne Estate ensures that the development would not negatively impact parking provision for existing residents.

46. KCC Highways have raised no objection or offered any comments in respect of the proposed development, however, a number of conditions will be attached including a construction management plan, retention of parking provision and EV Charging points.
47. Bin collection points are shown on land within the applicant's ownership within 10m of where the RCV passes, which is considered to be acceptable. Further to the comments from Kent Fire and Rescue that fire tender will be unable to serve the dwellings via Thorne Estate, the applicant states that the potential space for water sprinkler storage locations is not currently shown as this is to be developed and coordinated during the detailed design stage. As such, this can be conditioned to ensure provision is made for a sprinkler system and that Fire Service access and facility provisions are also a requirement under the Building Regulations.
48. The neighbour comment regarding loss of access to the adjacent paddock is noted. However, it has not been identified that ABC (as the owners of the development site) have conferred a formal right of way to the owner of the adjacent piece of land. This access does therefore not form a material consideration in determining the application.
49. In the light of the above, it could be reasonably concluded that the demolition of the existing garages and the development of three residential dwellings would not have a detrimental impact on the existing on-street parking provision i.e. the proposal would not result in an unacceptable highways impact or severe residual cumulative impacts on the road network (relevant test in the NPPF) and would therefore accord with paragraphs 110 and 111 of the NPPF.

Stodmarsh Catchment Area

50. 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.
51. 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.

52. The importance of this advice is that the site falls within the Stour catchment area 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.
53. 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.
54. 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.
55. 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.
56. 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 Assistant Director - 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.

Impact on Ecology and Trees

57. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on

European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. The site lies in an urban location and lacks any significant features to support wildlife. Notwithstanding this, the application has been supported by a Preliminary Ecological Appraisal (PEA) to rule out the presence of any protected species on the site.

58. The PEA revealed that the site lacks priority habitats and the amenity grassland has limited ecological value.
59. The site and garages have negligible potential for supporting roosting bats. Nevertheless, the survey notes that the site is bordered to the north/northeast by tree-lines and tall grassland/scrub habitat, which are highly likely to be used by foraging and commuting bats. Whilst no further survey work is recommended, a sensitive lighting design strategy is recommended, which can be secured by condition. No additional work is necessary for hazel dormouse or badgers. Hedgehogs may be present, and areas where mammals may shelter should be checked prior to disturbance.
60. In conclusion, the site's ecological value is limited, and no significant species or habitats require further attention. Recommendations include consideration of native plantings for birds, and mindful lighting design to minimize impacts on bats. Also, a broad list of potential biodiversity enhancement measures has been included within the PEA. It is considered that given the lack of habitat features on-site/habitat connectivity, the impact on ecology is considered acceptable. Suitably worded conditions could be attached to secure the recommendations made within the report.

Human Rights Issues

61. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Conclusion

62. Having regard for the merits of this case, it is considered that the use of the site for the creation of 3 dwellings of a good standard would provide a significant benefit to the community together with making the most efficient use of the land which largely comprises previously developed land (PDL). The limited loss of public open space is acknowledged however, it would not result in a qualitative loss of the existing public open space. As such, it would not

prejudice the enjoyment of the open space by the local residents. Finally, it would not cause harm to the character and appearance of this part of the settlement and the adjoining countryside. It would cause no harm to the residential amenity of the neighbouring occupants or the highway safety and is considered acceptable in all other material respects.

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.**
1. 3-year standard condition
 2. Approved Plans
 3. Construction Management Plan
 4. Provision and retention of permanent parking spaces
 5. EV Charging points
 6. Cycle parking
 7. Contamination (Land or groundwater)
 8. Reporting of unexpected contamination
 9. Foul water disposal
 10. Bin Storage
 11. Sprinkler system and Fire Service access and facility provisions under the Building Regulations.
 12. Submission of material samples
 13. Landscaping scheme
 14. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
 15. Fibre optic broadband

16. Scheme of biodiversity enhancements

Notes to Applicant

1. Working with the Applicant

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/2023/0424)

Contact Officer: Sarah Edwards
Email: sarah.edwards@ashford.gov.uk
Telephone: (01233) 330403

Application Number	PA/2022/2784
Location	70, Lower Vicarage Road, Kennington, Ashford, TN24 9AS
Grid Reference	Easting (601668) Northing (145070)
Parish Council	Kennington
Ward	Kennington
Application Description	Proposed demolition of existing bungalow and erection of 3 new dwellings
Applicant	Rich and Brown Developments Ltd
Agent	Mr Dan Town, OSG Architecture Ltd, Unit 2A Capital House, 4 Jubilee Way, Faversham, ME13 8GD
Site Area	0.159 hectares

Introduction

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

Site and Surroundings

2. The application site comprises an existing two bedroom detached bungalow set within a spacious plot. The site is located on the northern side of Lower Vicarage Road, almost opposite the junction with Glebe Way. The site is located in Kennington.
3. The site has an existing vehicle access with a driveway the runs to the side of the property. A garage was previously located in the rear garden but this was demolished in the last few years and no longer exists. There is a low brick wall that runs along the front of the site with a gate that allows pedestrian access to the dwelling.
4. There are a mixture of property types and sizes in the immediate area. The existing properties to the immediate west of the site (Nos. 72 and 74) comprise a pair of semi-detached bungalows whereas the existing properties to the immediate east of the site (No. 68) consist of a pair of detached two storey dwellings that were approved in the 1980s.

5. The front building line of the existing bungalow sits in line with the forward most parts of the semi-detached bungalows to the west at Nos. 72 and 74; however it sits significantly forward of the detached two storey dwelling at No. 68.
6. The site measures 0.159 hectares in size.
7. The site is not subject to any landscape restrictions.
8. The site is located in Flood Zone 1 with the lowest risk of flooding.
9. The site is within the Stour catchment.



Figure 1: Site Location Plan



Figure 2: Proposed Block Plan

Proposal

10. Planning permission is sought for demolition of existing bungalow and erection of 3 new dwellings.
11. The proposed dwellings would be in a small row of three and would be two storeys in height with hipped roof designs.
12. The ground floor areas of the proposed dwellings would include an open play kitchen / dining room with access to the rear, a separate living room, a W.C and

storage areas. The first floor areas would include two double bedrooms (one with en-suite bathroom), a single bedroom and a separate bathroom.

13. The proposed external facing materials would include a mixture of white render, black weatherboarding, slate roof tiles, grey uPVC windows and aluminium doors.
14. The proposed dwellings would include a large area of block paving at the front to allow off-street parking. The existing access would be utilised and a new access would be created towards the eastern side.



Figure 3: Existing Bungalow

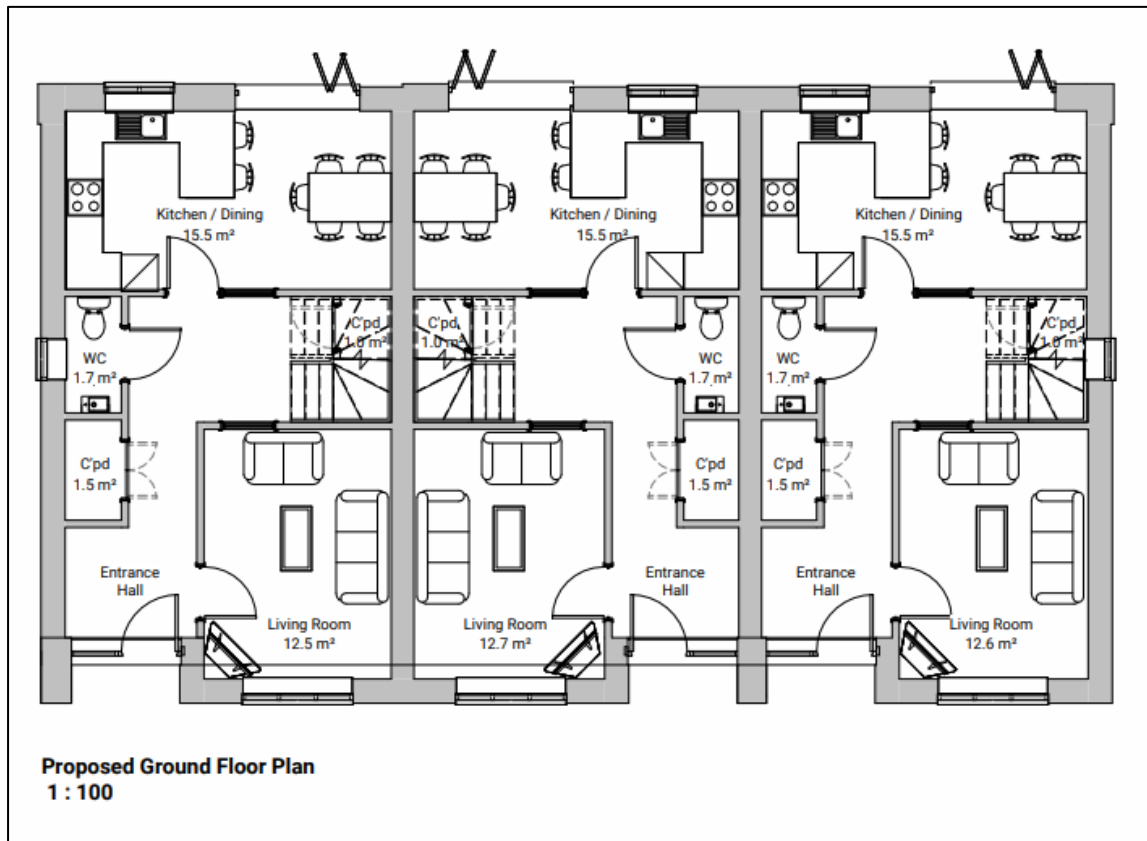


Figure 4: Proposed Ground Floor Plans

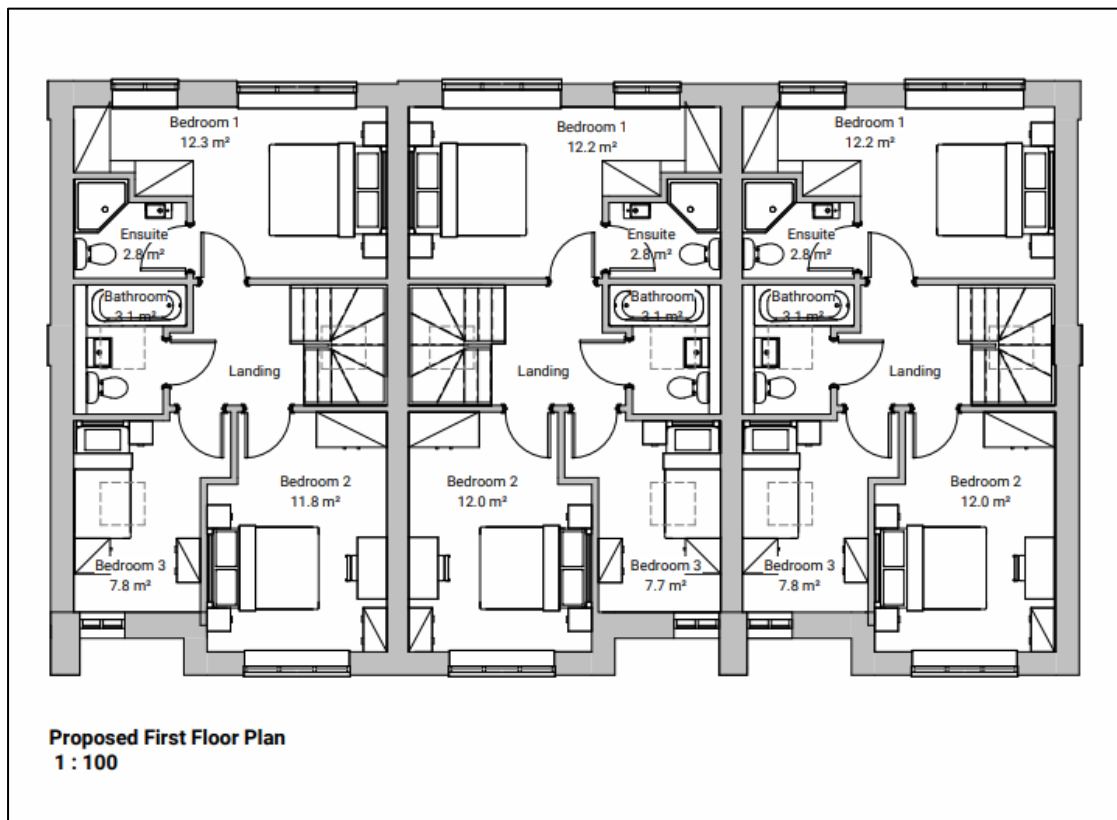


Figure 5: Proposed First Floor Plans



Figure 6: Proposed Front Elevations



Figure 7: Proposed Front Elevations



Figure 8: CGI of Front of Site



Figure 9: CGI of Front of Site

Planning History

03/01184/AS – Proposed bungalow (to rear). Refused and dismissed at appeal.

Consultations

Ward Member: Cllr Nathan Iliffe has requested for the application to be determined at Planning Committee.

Kennington Community Council: Object. The following (summarised) comments have been provided:

- Overdevelopment;
- Overcrowded;
- Out of character;
- The dwellings to the rear of the site will further reduce the available garden space;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme.

- Additional cars at Lower Vicarage Road/Glebe Way junction;
- Impact on already congested road;
- Loss of on-street parking;
- The footprint of the houses appears much larger than the existing bungalow;
- Proximity to neighbouring properties;
- Loss of daylight;
- Overshadowing from properties to rear;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme.

- Inappropriate development of residential gardens;
- There should be a maximum of 2 houses spread over the plot to ensure that further over development cannot happen and further development is not possible.

KCC Highways and Transportation; This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Economic Development; Contributions are sought from the proposal.

Neighbours: 17 consulted; 10 letters of objection from individuals received in total:

- Conflict between plans and proposed depth of rear garden;

OFFICER NOTE:

- Concerns regarding siting of trees adjacent to rear fence of Broadhurst Drive due to potential height and spread impacting daylight received;

OFFICER NOTE: This matter can be addressed within an appropriately worded landscaping plan condition.

- Concerns regarding siting of trees adjacent to rear fence of Broadhurst Drive due to potential height, spread and root growth (impacting foundations);
- Out of character due to design;
- Lower Vicarage Road consists of a variety of conventional brick built houses and older cottages;
- Overdevelopment of site;
- Out of keeping with semi-detached and detached houses;
- The height of the houses are not in line with others;
- Loss of privacy for neighbours;
- Reduction in light received at No. 66;
- The junction from Lower Vicarage Road to Glebe way causes traffic problems already;
- Lower Vicarage Road is already chaotic during the school run traffic and cars parking on the pavements;

OFFICER NOTE: This specific problem is at very set times of the day during term time only.

- Impact on light to kitchen and dining room/lounge at No. 68 due to proximity to boundary. There is only one window high window to the dining area.

OFFICER NOTE: This has been covered under the residential amenity section of the report.

- Overdevelopment of the site;

OFFICER NOTE: The dwellings to the rear have been removed under the current amended scheme and the proposal has been reduced from 5 hours to 3 hours only.

- Loss of on street parking;
- Cars will be forced to park on the other side of the road and this may cause an accident when turning from Glebe Way;
- Parking is already a problem;
- Potential for 12 cars causing a danger to all the children walking to and from the local school;
- There are already accidents on this road involving traffic coming into and out of Glebe Way onto Lower Vicarage Road;
- The description of houses in the area is inaccurate. There are only two types of houses in Rookery Close, which are detached, either half brick with tile hung upper floor, or half brick with the upper floor as mock Tudor. In Broadhurst Drive there is a mixture of detached houses and bungalows, and only a few houses have any wood cladding

- The new plans appear to leave a patch set to lawn. Who looks after that lawn, it doesn't seem to belong to anyone?

OFFICER NOTE: This matter can be addressed within a landscaping plan condition.

- Concerns there will still be a future application for housing at the rear;

OFFICER NOTE: This is speculation only. Any future application would be determined on its merits.

- The artist impression gives a much distorted picture of the amount of space for the parking of cars and also of the width of the driveway to the rear, who is this space for, it does not lead anywhere?
- Impact on neighbouring solar panels;
- The parking areas at the front seem exaggerated;
- Concerns regarding surface water drainage and the proposed soakaway might not be sufficient;
- They have already started clearing the site.

Planning Policy

15. The Development Plan 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 Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
16. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP2 – The Strategic Approach to Housing Delivery
 - SP6 – Promoting High Quality Design
 - HOU3a – Residential Windfall Development
 - HOU12 – Residential Space Standards (internal)
 - HOU15 – Private external open space
 - ENV1 – Biodiversity
 - ENV4 – Light pollution and promoting dark skies

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

TRA3a – Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

EMP6 – Promotion of Fibre to the Premises (FTTP)

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

Supplementary Planning Guidance/Documents

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

Residential Parking and Design SPD 2010

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

ABC Climate Change Guidance 2023

Government Advice

National Planning Policy Framework (NPPF) 2021

- 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:-

Paragraph 11 – Presumption in favour of sustainable development.

- Paragraph 47 – Determination in accordance with the development plan.
- Paragraph 59-76 – Delivering a sufficient supply of homes.
- Paragraphs 91-95 – Promoting healthy and safe communities.
- Paragraphs 102-107 – Promoting sustainable transport.

- Paragraphs 117-121 – Making effective use of land.
- Paragraphs 124-132 – Achieving well-designed places.
- Paragraphs 148-165 – Meeting the challenge of climate change and flooding.

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally Described Space Standards

Assessment

18. The main issues for consideration are:
- a) Principle of Development and Visual Amenity
 - b) Residential Amenity
 - c) Highway Safety
 - d) Sustainability
 - e) Stodmarsh

Principle of Development and Visual Amenity

19. The site falls within the built-up area of Kennington. Therefore, the proposed redevelopment of the site is considered acceptable in principle. Ashford is listed under Policy HOU3a of the Local Plan 2030 as a settlement suitable for new residential development provided it complies with the following criteria:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
 - e) It 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;
 - f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
 - g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,

- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.
20. The above is consistent with Strategic Policy SP6 which requires development proposals to be of high-quality design and demonstrate careful consideration of, and a positive response to, character, distinctiveness and sense of place.
21. NPPF Paragraph 130 states that planning policies and decisions should ensure that developments add to the overall quality of the area. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should be sympathetic to local character and should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
22. The proposed development would result in a small terrace of 3 dwellings replacing the existing bungalow. Whilst the loss of the existing bungalow is regrettable, there are no specific policies in place within the Local Plan to protect these types of houses from demolition.
23. The proposed dwellings would have a contemporary appearance through the use of a combination of white render, black weatherboarding and slate roof tiles, together with the hipped design of the roofs. It should be noted that there is a mixture of dwelling types and sizes in the immediate vicinity of the site. This mix of properties includes semi-detached bungalows, chalet bungalows, semi-detached houses, two-storey detached dwellings, small terraces of 3 houses and slightly longer terraces of 5 dwellings. Taking into account the prevailing character of the area, it is considered the proposal would be compatible with its surroundings. In respect of the use of materials, it is noted that the houses in the area are finished in a range of finishes including render and bricks with plain tile roofs, tile hanging, slate roof tiles and some weatherboarding.
24. The proposed dwellings would be positioned further back into the site than the existing bungalow. This would not only allow sufficient parking to be provided at the front, but it would improve the relationship with Nos. 66 and 68. These neighbouring properties are currently set back by themselves; however the proposed layout would introduce a more staggered building line. This is a large site that is capable of accommodating more than one dwelling and it is considered this has been done in a sensitive manner. There are other properties along Lower Vicarage Road that are set back from their neighbours; therefore it is considered this arrangement would not unduly impact the character and appearance of the area. It is recommended that a condition be imposed regarding a landscaping plan, which shall include but not limited to the details of proposed new planting at the site, including at the front in order to break up the expanse of proposed block paving for car parking. Details shall also be included in relation to the management details for the amenity area to the side of the proposed dwellings.
25. The proposed dwellings would be set away from the western boundary of the site by over 7m. This would not only maximize the gap between the proposed

built form and existing bungalow to the west, but it would crucially avoid the existing drainage covenant along this part of the site. Although the proposed dwellings would be closer to the eastern boundary of the site with No. 68, an appropriate gap would still be maintained that would be similar to other properties along the road. The proposed dwellings would not project past the rear building line of No. 68 and would also present a more open frontage for this house as a result of the re-positioning. Given the overall size of the site the proposed development would not appear too cramped and it is considered that a spacious feel would be maintained overall, particularly through the roof style of the proposed dwellings that would also help to retain a sense of openness from the gap between the roofs.

26. Having regard to the above, it is considered that the design of the proposed development would be of a good standard and would not detract from the pattern of the development within the wider area. It would positively contribute towards the improvement of the existing built environment. Therefore, the proposal would comply with policies SP6, HOU3a of the Local Plan and paragraph 130 of the National Planning Policy Framework.
27. The proposal would provide large gardens to the rear for the future occupiers. It is recommended that a condition be imposed to secure ecological enhancements as part of the approved scheme.

Residential Amenity

28. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings.
29. NPPF Paragraph 130(f) requires for development to achieve a high standard of amenity for existing and future users.
30. In consideration of the amenity of the future occupiers, the proposed dwellings would comply with the relevant space standards for both internal and external amenity space.
31. With regards to potential privacy and overlooking of neighbouring properties, there would be one ground floor side facing window for each of the end dwellings as well as two side facing roof lights on the western end proposed dwelling and one side facing roof light on the eastern end proposed dwelling. The ground floor windows would serve a W.C and a stairwell and the roof lights would serve a bathroom, stairwell and secondary window to bedroom 3. It is recommended these windows be obscure glazed (privacy level/grade 3 or higher) to mitigate against any perceived loss of privacy or overlooking.
32. The provision of two storey dwellings in place of the existing bungalow would result in new windows being introduced at the rear at first floor level. Whilst these would be likely to result in some overlooking of the adjacent gardens compared to what currently exists at the site, this would not be any worse than what would typically be expected in a built up residential area.

33. In terms of outlook, enclosure and impact on daylight/sunlight, the proposed dwellings would be positioned over 7m away from the shared boundary with the existing bungalow at No. 72. The orientation of the neighbour in relation to the site would be favourable in terms of any impact on daylight/sunlight received to this property.
34. The proposed dwellings would not encroach past the rear building line of No. 68 and, whilst being sited only 1.4m away from the shared boundary, the proposal would provide a more open and spacious feel at the front due to the demolition of the existing bungalow that sits entirely in front of this house. The 45 degree line from the midpoint of the ground floor and first floor windows at the neighbouring property would not be breached. It is acknowledged there is an existing high window (and door) to the side of No. 68 that serves a dining area and faces towards the site; however this appears to be part of a wider room that has additional windows to the rear. Whilst there would likely be some reduction in natural daylight, this is a side window and as such, it is not considered that it would result in unacceptable loss of light to warrant a refusal on this basis.
35. On balance, no significant or unacceptable harm to the residential amenity of the adjacent neighbouring residents would result from this development.

Highway Safety

36. Policy TRA3a requires three-bedroom dwellings to provide two parking spaces per unit.
37. Policy TRA7 relates to 'The Road Network and Development' states that new accesses and intensified use of existing accesses onto the road network will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result. It also states that proposals that would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted.
38. NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
39. A large area of block paving would be provided at the front of the site to enable sufficient parking for each dwelling in line with policy requirements. Whilst vehicles may be required to reverse onto the road on occasions, it is not considered that the overall impact on highway safety would be harmful enough to warrant refusal on this basis. There appears to be other properties along the road where cars are required to reverse out, or they reverse in from the road. It is also likely this would have previously occurred at the site given the narrow width of the existing driveway.

40. The existing access at the site would be utilised by one of the proposed dwellings and a new shared access would be provided for the other two units. The new access would be positioned further away from the junction with Glebe Way and would result in the loss of some on street parking. Whilst this is regrettable, the proposed arrangement is considered acceptable.
41. Details of cycle storage could be secured by way of a planning condition. Furthermore, a condition for securing EV charging points for the dwellings is recommended to be attached to the permission.
42. For the above reasons, subject to appropriately worded condition, the proposed development is considered acceptable from a parking and highway safety perspective.

Sustainability

43. The application was submitted prior to the Council's Climate Change Guidance for Development Management being approved. However, conditions are recommended to ensure solar pv panels, electric vehicle charging points and water butts are secured as part of the proposed development.
44. Kennington is a district of Ashford considered to be in a sustainable location for new development with good accessibility to local transport links and other facilities.

Stodmarsh

45. 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.
46. 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.
47. The site falls within the Stour catchment area and it is proposed to connect to the mains sewer drainage network, which discharges the foul water into Ashford Bybrook Wastewater Treatment Works. The applicant has submitted a Nutrient Assessment (dated 03/05/2023) and associated nutrient load calculations.
48. 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.

49. 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.
50. 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.
51. 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 Assistant Director - 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.

Human Rights Issues

52. 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

53. 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

54. In conclusion, the development plan allows for infill development within the built confines of Ashford. The proposal will provide 3 family homes and contribute to the 5-year housing land supply. It is considered that the proposed development, by virtue of its scale, design, form, and materials, would not be out of character or appear unacceptably cramped in the context of the surrounding development in the locality. Therefore, it would not cause harm to the character and appearance of the street scene. Furthermore, the proposal would cause no harm to the residential amenity of the neighbouring occupants or the highway safety. It would therefore comply with the local planning policies and the NPPF.

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.**
1. 3 years
 2. Approved plans
 3. Material samples to be provided
 4. Obscure glazing to side windows / roof lights
 5. Vehicle parking to be retained
 6. 1 EVCP to be provided to each dwelling
 7. Solar panels to be provided
 8. Water butts to be provided
 9. Bicycle storage and bin storage enclosures to be submitted for approval
 10. Landscaping scheme (to include hard and soft landscaping details)
 11. Ecological enhancements
 12. Sustainable drainage to be provided
 13. Remove PD rights for roof spaces

14. Remove PD rights for Classes A, B, and E.

Notes to Applicant

1. Working with the Applicant
2. Asbestos regulations
3. Code of practice hours - noisy construction/demolition activities

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/2022/2784)

Contact Officer: Georgina Galley
Email: georgina.galley@ashford.gov.uk
Telephone: (01233) 330738

This page is intentionally left blank

Ashford Borough Council - Report of the Assistant Director - Planning & Development
Planning Committee 8th November 2023

Application Number	PA/2023/0821
Location	Little Coombe, Little Coombe, Hastingleigh, TN25 5JB
Grid Reference	Easting 608826, Northing 146053
Parish Council	Hastingleigh Parish Council
Ward	Bircholt Ward
Application Description	Proposed change of use of land and proposed annexe accommodation following demolition of existing outbuilding
Applicant	Mr Schneider and Tringham
Agent	Ms Beeken
Site Area	0.35 hectares

Introduction

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

Site and Surroundings

2. The site lies within the countryside and the North Downs AONB. It is located approximately 1.5 miles away from the Hastingleigh village centre and approximately 8 miles from Ashford town centre. The site lies to the eastern end of Little Coombe, a no-through road that adjoins Waltham Road. This access road is shared with Basque Close and Smeed Farm.
3. The site consists of the existing bull-pen building to the north-west of the main dwelling. The public right of way byway AE223 runs through the site and divides the dwelling from the outbuilding.
4. A site location plan is shown in Figure 1 below. For clarity, the extent of the existing residential curtilage follows as Figure 2.

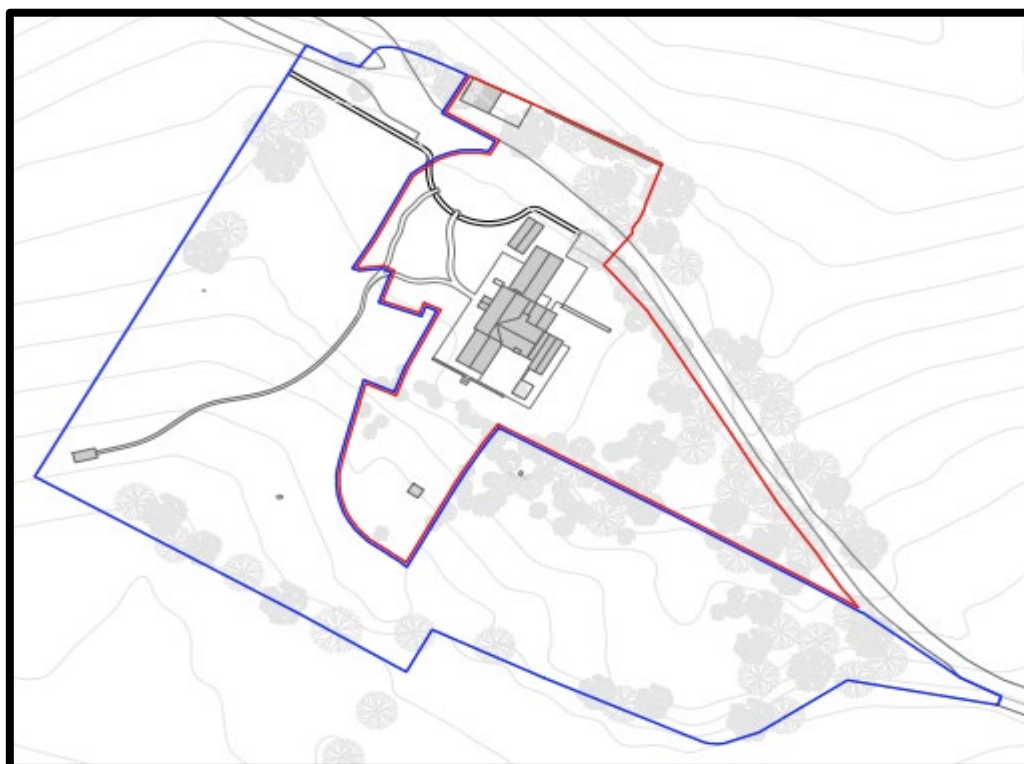


Figure 1: Site Location Plan

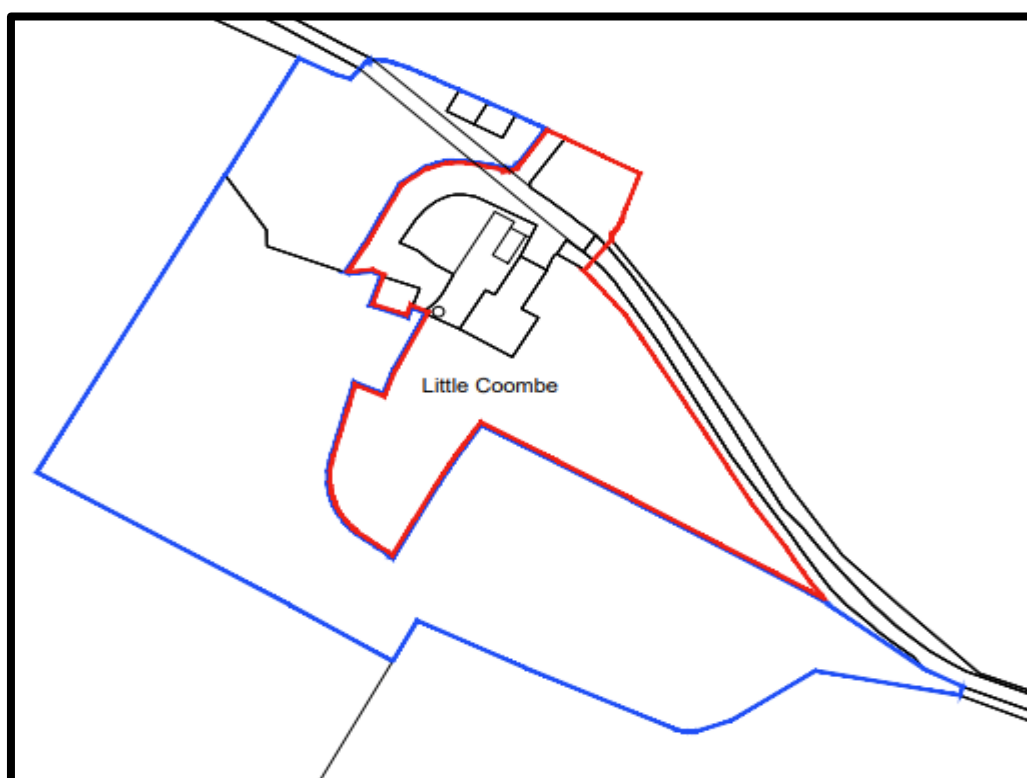


Figure 2: Existing residential curtilage

Proposal

5. The application seeks planning permission for the change of use of approximately 210 square metres of land to residential and, thereafter, the

erection of a detached annexe outbuilding following the demolition of the existing outbuilding.

6. The outbuilding, which would serve as an annexe, providing occasional guest accommodation, and a workshop area, would have an approximate height of 5.9 metres and depth of 4.8 metres. Whilst it would have a total width of 17.6 metres, this would account for the annexe, the workshop and the central terrace space.
7. The outbuilding would be constructed with timber cladding and zinc shingle roof tiles.



Figure 3: Proposed Site Plan

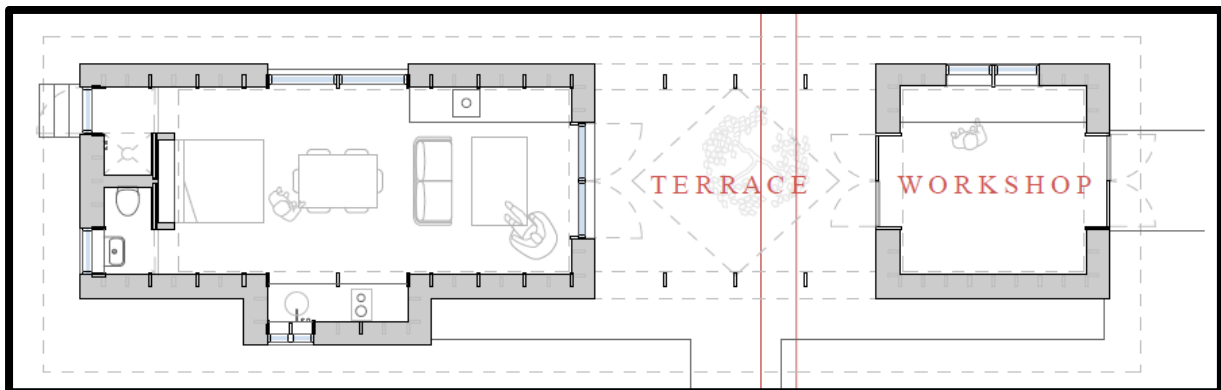


Figure 4: Proposed Floor Plan

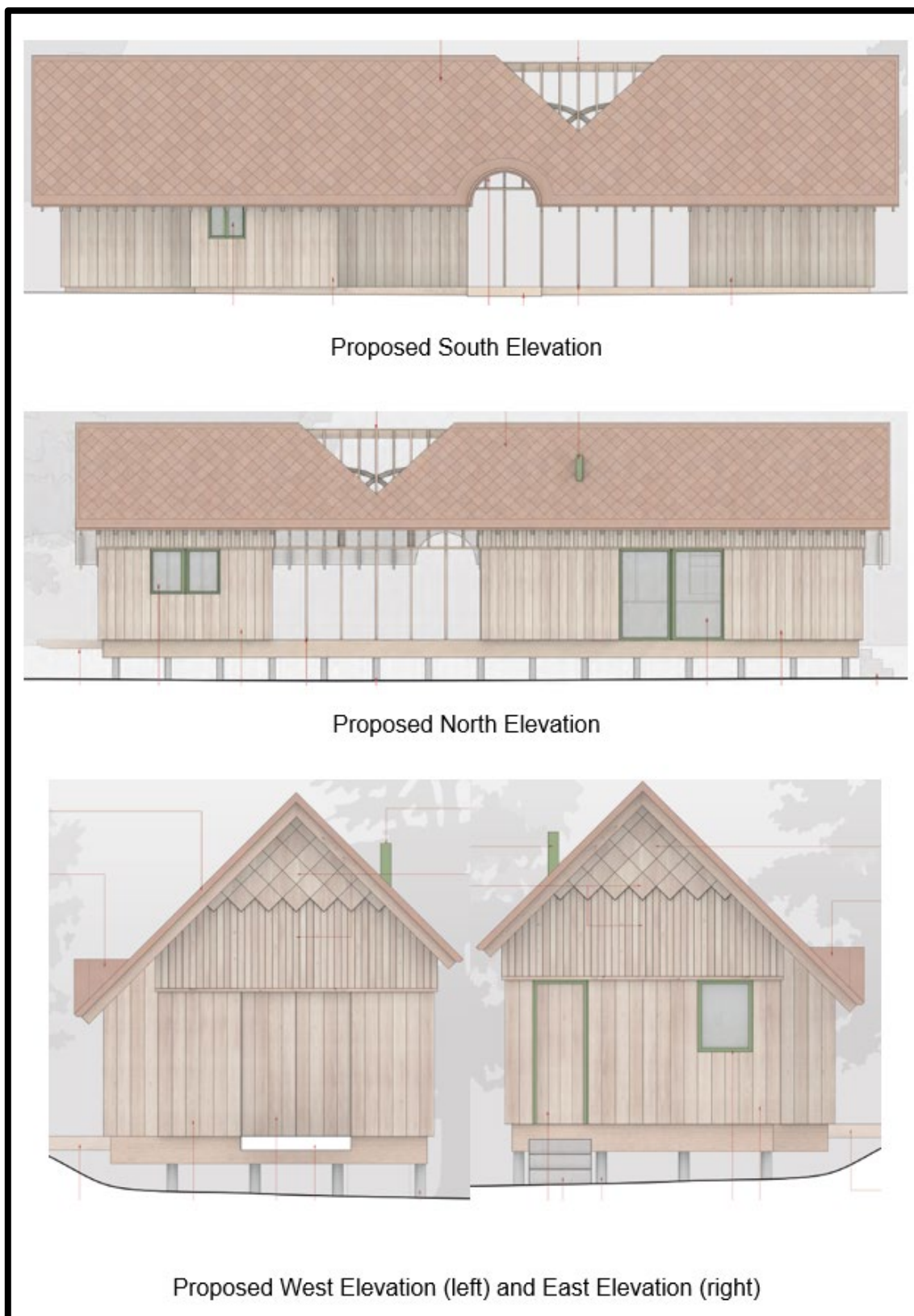


Figure 4: Proposed Elevations

Planning History

The relevant planning history is detailed below;

- **21/00019/PRE:** *(Pre-app advice) Proposal to extend the main house and build a new freestanding annexe - Raise Objection*
- **21/00105/PRE:** *(Pre-app advice) Proposal to extend the main house and build a new freestanding annexe - Raise Objection*
- **13/00505/AS:** *Proposed side extension including alterations and fenestration – Permit*
- **21/01239/AS:** *Erection of Conservatory, Erection of a Rear Extension; New Pergola; Alterations to the fenestration - Permit*

Consultations

8. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.
- KCC Public Rights of Way – no objection raised subject to an informative.
 - Kent Ramblers – did not comment.
 - KCC Ecology – raised no objection subject to suitably worded conditions and informatives.

Neighbours

4 letters of representations received objecting to the planning application and raising the following matters:

- Harm to the visual amenity of the AONB
- No justification for redevelopment of an old building
- The annexe could become an independent dwelling
- Safety risks to users of the byway
- Proximity to the site boundary
- Felling of a mature horse chestnut tree
- Harm to local ecology
- Overall scale and appearance of the annexe building
- Light pollution
- Harm to the AONB
- Inappropriate materials
- The development is not within the existing residential curtilage
- Insufficient water supply
- Highway safety

Councillor Simon Betty – requested that the application was determined at planning committee.

Hastingleigh Parish Council – expressed concerns over the increase in traffic and whether the proposal meets policy HOU9. Further concerns were raised that no parking is shown and that the application is a second application for over-night accommodation.

Planning Policy

9. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 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), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
11. The Local Plan polices relevant to this application are as follows:
 - SP1 Strategic Objectives
 - SP6 Promoting High Quality Design
 - HOU9 Standalone Annexes
 - ENV1 Biodiversity
 - ENV3b Landscape Character and Design in the AONB's
 - ENV4 Light pollution and promoting dark skies
 - TRA3a Parking Standards for Residential Development
12. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

- Dark Skies SPD, 2014
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010
- Kent Downs AONB Management Plan 2021

Government Advice

- National Planning Policy Framework (NPPF) 2023

- Planning Practice Guidance

ASSESSMENT

13. The key areas for consideration in the assessment of this application are as follows:

- Legal Position
- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Impact on Highways
- Impact on Ecology

Legal Position

14. Before this application can be assessed, regard must be had for the legal position of what is being proposed.
15. The proposed annexe and workshop building has been designed as a building which would be used in association with the existing dwelling. Owing to the proposed change of use of land to residential, it would be sited within the curtilage of the main dwellinghouse 'Little Coombe' and would share the same access, parking and amenity areas. At its closest point, the building would be sited approximately 15.8 metres from the main dwelling, however, it would be separated from the main dwelling by the public byway which divides the site.
16. The proposed building would provide some of the day-to-day facilities typically provided within a self-contained dwelling and, as such, regard must be had for whether the proposal is tantamount to the creation of a new dwelling and whether a new, separate, planning unit would be created (constituting a change of use).
17. There is much case law which deals with this question, perhaps most prominently Uttlesford DC V SOS and White 1992. Numerous other cases have relied on and, to some extent, expanded upon the considerations within this case, which have been taken into account.
18. Whether the use of an annexe would be incidental or form a new, separate, planning unit is a matter of fact and degree, with the separateness and independence of the residential accommodation being key to the decision. The considerations which are typically given weight in such an assessment include: who would occupy the building; the day-to-day facilities that the building would provide; its physical relationship with the main dwelling; whether there is independent access; whether the building would share utilities with the main dwelling; whether the building would have separate Council Tax; and the appearance and scale of the building, partly in relation to the main dwelling.

These considerations, and any other material considerations which arise, must be balanced to reach a natural conclusion.

19. S124(1) of the Localism Act 2011 inserted new sections 171BA, 171BB and 171BC into the 1990 Act to allow enforcement action in England to be taken against a breach of planning control when the time limits for taking action have expired and the breach has been concealed. The applicant has been asked to provide information which will be taken into account in assessing this application. Should the building be subsequently used in a manner which is contrary to the information received and amounting to a material change of use, it is considered that this could constitute concealment and enforcement action could be taken, even beyond the four-year time limit. Regard has been had to the R (Welwyn Hatfield BC) v SoS 06/04/2011 case.
20. In this instance, the building would contain most of the day-to-day facilities typically provided within a house, including a bedroom, a living/dining area, a WC room and shower room (separated) and a small kitchenette comprising a sink and hob. The applicant has, however, clearly demonstrated that the annexe would be dependent on the principal dwelling for its kitchen facilities and the proposed floor plan (drawing number A 100, received on 09/08/2023) clearly shows this. The applicant has confirmed that it would provide occasional guest accommodation.
21. The building would continue to be detached from the main dwelling, however, owing to its overall scale, design and materials, it would clearly represent a subservient addition to the host dwelling. Furthermore, whilst it would benefit from its own external access, it would share the same site access as the host dwelling.
22. Therefore, having regard for all of the facts of the case, and having regard for the Uttlesford DC V SoS and White 1992 case, it is considered that the building would be ancillary to the enjoyment of the dwelling house.

Principle of development

23. The assessment under the section 'Legal Position' sets out that the proposed development would represent ancillary accommodation. Therefore, the following principle of development sets out the relevant policies to this application and the weight to be had to them for the assessment of this proposal.
24. Policy HOU9 states that "*proposals for detached annexe accommodation to residential property will be permitted where:*
 - a) *The existing dwelling* enjoys a lawful residential use;*
 - b) *The proposed annexe would not materially harm any neighbouring uses, including the living conditions of nearby residents;*

- c) *The proposed annexe is suitable in size, scale and materials and clearly ancillary and visually subordinate to the principal dwelling;*
 - d) *It is sited to achieve a clear dependency is retained between the annexe and the main building at all times and;*
 - e) *The annex is sited to ensure a clear dependency is retained between the annex and the main building at all times;*
 - f) *The proposed annexe is designed to ensure it does not result in significant harm to the overall character and appearance of the surrounding area taking into account the surrounding built form and street scene.*
25. Policy ENV3b states that “*all proposals within or affecting the setting of AONB’s will also only be permitted under the following circumstances:*”
- a) *The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.*
 - b) *The development would enhance the special qualities, distinctive character and tranquillity of the AONB.*
 - c) *The development has regard to the relevant AONB management plan and any associated guidance.*
 - d) *The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.*
26. In light of the requirements set out above, and the argument made in the previous Legal Position section, the principle of annexe in this location is considered to be acceptable, subject to the following site-specific considerations;
- Visual Amenity & Landscape,
 - Residential Amenity,
 - Highway Safety,
 - Ecology.

Visual Amenity & Landscape

27. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance.
28. Having regard to the above, it is considered that the design of the proposed development would be of an appropriate standard and, owing to the use of natural materials, including timber and zinc, would be consistent with the rural nature of the site and the wider area.
29. It is, however, noted that the site is located within the North Downs AONB, where significant weight is given to conservation and enhancement. In this

instance, owing to the screening provided by the existing trees and hedges which act as natural boundary treatments, views of the outbuilding from outside of the application site would be limited.

30. Overall, given the design, materials and siting of the proposed building, it is considered that the proposal would conserve the mixed farmland character of the AONB and therefore would not be detrimental to the character and appearance of the wider surroundings.
31. Furthermore, it is appreciated that the proposed outbuilding would not encroach into the surrounding open countryside and would utilise part of the site that is currently occupied by a derelict building which, itself, neither enhances or conserves the surrounding AONB. By way of comparison, the proposed building would be raised from the ground by steel screw piles to give the building a floating effect when read in conjunction with the surrounding native shrubs and wildflowers.
32. Finally, regard must be had for the public right of way which divides the site. Whilst the outbuilding would be highly prominent from the public right of way, given the overall scale and design of the building, it would not detract from the visual amenity of the immediate area.
33. In light of the above assessment, it is considered that the proposal would constitute a well-designed addition to the site that would not represent an incongruous addition to the site or the wider AONB surroundings. Therefore, the proposal would comply with policies SP6, HOU9 and ENV3b of the Local Plan and paragraph 176 of the National Planning Policy Framework 2023.

Residential Amenity

34. Given the spatial relationship between the site and its neighbouring properties, it is not considered that the development would result in unacceptable levels of harm to the residential amenity in terms of loss of privacy, loss of light, overbearing impacts or sense of enclosure. It is therefore considered that the proposal would not cause harm to the residential amenity of the neighbouring occupants and, as a result, the proposed development would comply with Policy HOU9 in terms of residential amenity.

Impact on Highways

35. The provision of the annexe would constitute the creation of an additional bedroom at the site, however, the proposed block plan (drawing number E101, received on 15/06/2023) clearly shows that two new parking spaces would be provided in conjunction with the outbuilding. Furthermore, from the case officer site visit, it was apparent that the site currently has ample parking space, which would not obstruct the public byway which divides the site. As such, it is considered that the proposal would not amount to any concerns regarding parking at the site.

36. Furthermore, no changes are proposed to the existing site access and the annexe/outbuilding would be served from the existing access road. It is noted that concerns were made regarding an increase in traffic and the impact on the highway network, however, given the nature of the proposal, it is not considered that the development would amount in a significant increase in traffic.
37. In light of the above, it is considered that the proposal would not be of detriment to the highway safety of the site, or the surrounding road network.

Impact on Ecology and Trees

38. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.
39. The site lies within a rural location and, therefore, contains significant features to support wildlife. In response, the application has been supported by a Preliminary Ecological Appraisal. Following consultation with KCC Ecology, it was concluded that sufficient ecological information has been provided. The Preliminary Ecological Appraisal demonstrated that there is limited potential for protected species to occur, nor for any harmful impacts on designated sites for nature conservation, ancient woodland or priority/S41 habitats. It was therefore concluded that no further information was required at this stage.
40. In conclusion, the site's ecological value has been taken into consideration, and no significant species or habitats require further consideration at this stage. Therefore, in light of the above, the impact on ecology is considered acceptable. Suitably worded conditions and planning informatives could be attached to secure the recommendations made within the report.
41. Additionally, it is noted that the erection of the outbuilding would see the removal of a mature horse chestnut tree. In response, the applicant has confirmed that two 10-12cm girth native trees would be planted, and this would be secured by condition. Therefore, whilst it is recognised that a mature tree would be removed, this loss would be suitably mitigated by the planting of two replacement trees.

Human Rights Issues

42. 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).

Conclusion

43. In light of the above assessment, the proposal complies with the Development Plan without causing any unacceptable harm in terms of visual amenity, landscape, residential amenity, highway safety or ecology. As such, it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permit

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.

1. 3-year standard condition
2. Approved Plans
3. Materials
4. Restriction of outbuilding use
5. Landscaping Plan
6. Precautionary Measures for Bats
7. Precautionary Working Measures During Construction
8. Protection of Retained Habitats
9. Lighting and Biodiversity
10. Biodiversity Enhancements

Notes to Applicant

1. Working with the Applicant
2. Climate Change Guidance
3. Breeding Bird Informative

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/2023/0821)

Contact Officer: Rebecca Potter
Email: rebecca.potter@ashford.gov.uk
Telephone: (01233) 330243

This page is intentionally left blank