



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on
Wednesday, 17th January, 2024 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

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1. **Apologies/Substitutes**

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

2. **Declarations of Interest**

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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**

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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 13th December 2023

[\(Public Pack\)Minutes Document for Planning Committee, 13/12/2023 18:30 \(moderngov.co.uk\)](#)

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/2023/0360 - Daniel Farm, Pluckley , Ashford, TN27 0SY** 9 - 30
Change of Use of the existing Barns to Commercial B2 use.
Erection of a B2 Drying Kiln, an E(g)(i) Office and an area of B8 Open Storage. Erection of 32 solar photovoltaics to Barn B.
With associated landscaping
- (b) **PA/2023/1478 - Cherry Orchard, Bower Road, Mersham, TN25 6NW** 31 - 42
Proposed 2m North East and North West boundary fence following the removal of an existing Leylandii hedge.
- (c) **PA/2023/1328 - 23 Barnett Field, Ashford, TN23 4RG** 43 - 56
Conversion of existing dwelling to two self-contained 1-bedroom flats

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

8 January 2024

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

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

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

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

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

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

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

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

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

Advice to Members on Declarations of Interest:

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

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

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

Agenda Item 3

Summary of the Scheme of Public Participation for Planning Committee Meetings

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

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

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

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

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

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

4. At the meeting:-

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

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

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

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

IMPORTANT:

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

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

| | |
|--------------------------------|---|
| Application Number | PA/2023/0360 |
| Location | Daniel Farm, Pluckley , Ashford, TN27 0SY |
| Grid Reference | Easting (590763) Northing (144319) |
| Parish Council | Pluckley |
| Ward | Upper Weald; Weald North |
| Application Description | Change of Use of the existing Barns to Commercial B2 use. Erection of a B2 Drying Kiln, an E(g)(i) Office and an area of B8 Open Storage. Erection of 32 solar photovoltaics to Barn B. With associated landscaping |
| Applicant | Mr D Pearce |
| Agent | Mr Guy Osborne, Chegworth Manor Barn, Chegworth Road, Harrietsham, Maidstone, Kent, United Kingdom, ME17 1DD |
| Site Area | 4.3 hectares |

Introduction

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

Site and Surroundings

2. The application site forms part of Daniel Farm which is located on the southern side of Smarden Bell Road. The site is located in the Parish of Pluckley.
3. The site consists of 2 large enclosed barns (referred to as Barns A and B), 1 open fronted barn (referred to as Barn C), 2 large concrete slabs and surrounding open grazing fields. Barns A and B both measure 543sqm in size and Barn C measures 254sqm. The site was previously used as a poultry farm; however this use ceased in May 2005.
4. There were previously 2 additional barns at the site on the footprint of the existing concrete slabs but these have been removed in 2014.
5. The site is accessed via a long private gravel driveway from Smarden Bell Road that passes the residential dwelling at Daniel Farm (this property is registered with the Post Office as Clover Farm but not with the Council and is still known as Daniel Farm). To the immediate west of the access from Smarden Bell Road is the existing site at Invicta Palletts.

6. The centre of Pluckley is located over 1900m (1.2 miles) to the northeast of the site and Pluckley train station is located over 2200m (1.4 miles) to the southeast of the site. The site is located in the countryside for development management purposes.
7. The site is located in the Dering Wooded Farmlands Landscape Character Area and a Public Right of Way (AW148 – Public Footpath) runs through the site to the south of the existing barns.
8. There are several large ponds to the north of the site between the main house at Daniel Farm and Smarden Bell Road. To the southwest and southeast of the site is a designated Wildlife Site known as Pasture and Orchard, Pluckley. To the southwest of the site is Dering Wood, which is designated Ancient Woodland and is also covered by Tree Preservation Order 7, 1978.
9. The site measures 4.3 hectares in size.
10. The site is located in Flood Zone 1 with the lowest risk of flooding.



Figure 1: Site Location Plan

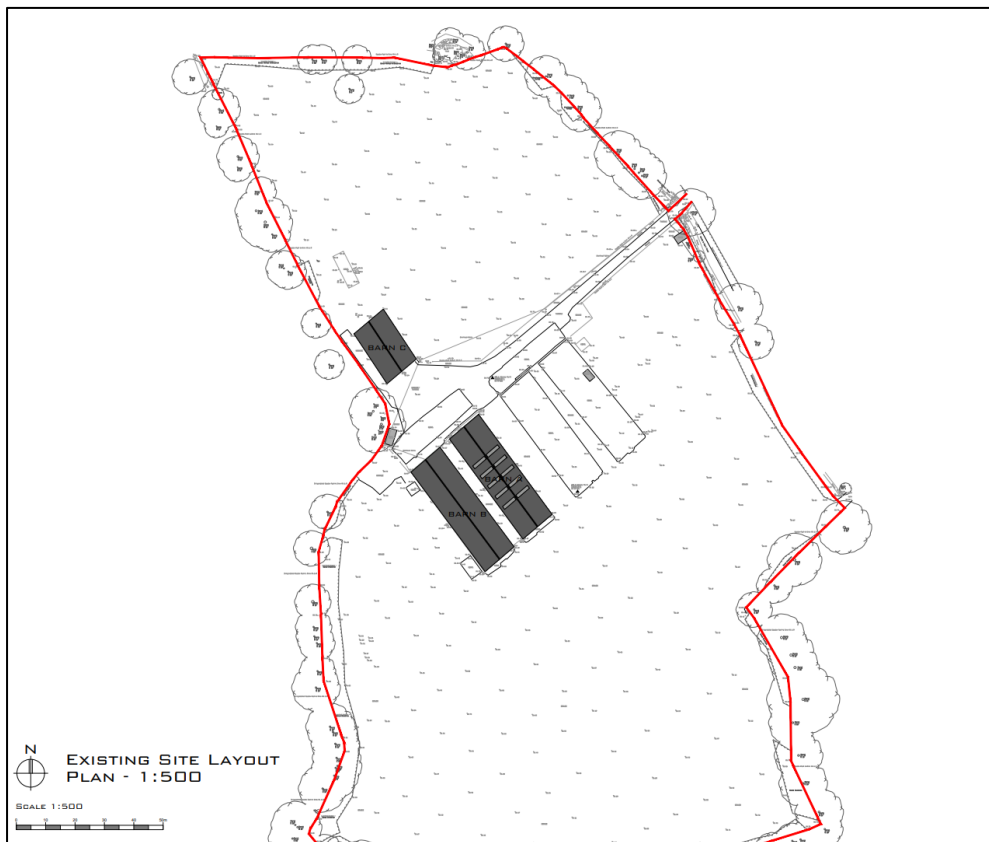


Figure 2: Existing Site Layout



Figure 3: Aerial Photograph of Site

Proposal

11. Planning permission is sought for the redevelopment of the site for use by Invicta Pallets. It is proposed to change the use of Barns A, B and C to Class B2 use for general industrial purposes and provide new solar photovoltaic panels to the roof of Barn B. These barns are located furthest into the site at the southwest side. Barn A would be used as a timber processing space and Barn B would be used as a pallet assembly space. Both barns measure 543sqm totalling approximately 1086sqm in terms of its footprint. Barn C would be used for staff welfare and equipment storage and measures 254sqm. The existing hard surfacing between Barns A and B and Barn C would be used as a turning area larger vehicles accessing the site.
12. A proposed single storey flat roof building would be erected immediately to the northeast of Barn C for use as a drying kiln under Class B2. This would measure 75sqm in size and would be finished in a combination of light grey (walls) and dark grey (roof) sheeting. In addition, a new single storey barn-hipped building would be erected further to the northeast by the site entrance for use as a site office under Class E(g)(i). This would measure 45sqm in size and would be finished in a combination of stock facing bricks (plinths), ebony stained horizontal weatherboarding (walls) and plain clay tiles (roof).
13. The existing concrete slabs in the centre of the site would be increased in size to provide an open storage area of approximately 2500sqm (50m by 50m) for pallets. To the immediate north of this and by the proposed site office would be up to 24 parking spaces for use by employees and visitors.
14. The site includes two existing grazing fields. The applicant has confirmed that the use of these fields would not change and would remain within grazing use.
15. The site would be surrounded by 0.9m high Chestnut cleft rail fencing with native hedgerow planting in order to separate the site from the surrounding grazing fields. A number of new trees would be planted along the southern part of the site beyond the fencing by Barns A, B and the open storage. A wildflower meadow is proposed towards the eastern part of the site.
16. The business operates during the working hours of 8:30am to 5pm on Mondays-Fridays and currently employs 14 members of staff. It is planned to increase the number of staff to 20 by 4 per annum over the following 2 years if the company was able to relocate.
17. The existing business has a HGV Operators Licence for 6 HGVs but currently only utilises 4 HGV's. It is planned to increase the number of operating HGVs to 5 following relocation.
18. The applicant has confirmed that the facility would not require any external lighting other than 3 moment sensor controlled downlights.

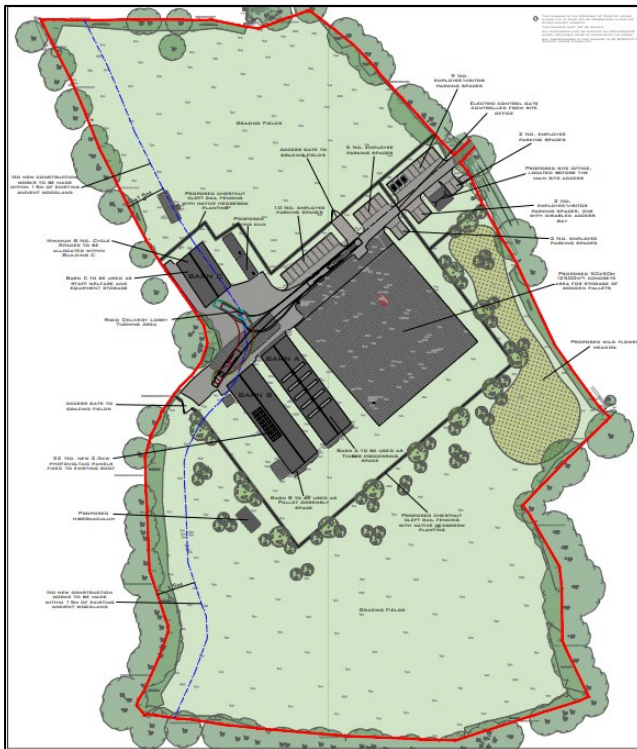


Figure 4: Proposed Site Layout



Figure 5: Existing Buildings from Entrance (Barns A and B on Left and Barn C on Right)



Figure 6: Existing Buildings (Enclosed Barns A and B)



Figure 7: Existing Building (Open Fronted Barn C)



Figure 8: Existing concrete slabs

Planning History

19. **92/01359/AS** - Erection of two 5000 sq.ft chicken units including feed hoppers and extension to existing road and retrospective application for existing road and access onto highway. PERMIT (Subject to a S106 Agreement dated 2/7/1993).

95/01355/AS - One new chicken rearing unit to match the existing buildings in every respect. **Permit (Subject to a S106 Agreement dated 30/10/1996).**

95/01356/AS - One new chicken rearing unit to match the existing buildings in every respect. **Permit (Subject to a S106 Agreement dated 30/10/1996).**

97/00794/AS - Storage shed to serve existing chicken enterprise. **Permit.**

98/01260/AS - New bungalow. **Permit (Subject to an AOC and a S106 Agreement dated 9/8/2000** which inter alia restricts occupation of bungalow for agricultural accommodation ancillary to the land, the bungalow not to be sold separately and the demolition / removal of the 4 poultry sheds within 12 months of ceasing to use them for poultry farming).

00/00961/AS - Change of use of no. 1 building from chicken rearing to preparation and packaging of slaughtered and cleaned carcasses. PERMIT.

04/00147/AS - Change of buildings and land from chicken rearing to free range and barn egg production. **Proposed Use/Development Would Be Lawful.**

06/01115/AS - Conversion and change of use of 2 redundant poultry sheds for stabling and ancillary storage, use of agricultural building 5 for storage of horse boxes and trailers and construction of ménage to provide an equestrian livery business with associated parking. Use of farm bungalow in association with equestrian livery use. **Refused / Dismissed At Appeal.**

09/00863/AS – Conversion and change of use of 2 redundant poultry sheds for stabling and ancillary storage, use of agricultural building for storage of horse boxes and trailers and construction of ménage to provide an equestrian livery business with associated parking. Use of farm bungalow in association with equestrian livery use. **Refused / Allowed At Appeal** (Subject to a S106 Agreement which in effect replaced the 9/8/2000 Agreement to cover the two scenarios of the appeal permission being implemented or alternatively the current situation continuing).

This permission was not implemented and has lapsed.

16/00264/AS - Certificate of lawful development - Existing - Unrestricted residential use contrary to Condition 7 of 98/01260 (Agricultural Occupation Condition). **Existing Use/Development Is Lawful.**

16/00265/AS - Certificate of lawful development - Existing - Lawful use of former agricultural buildings for B8 storage use. **Existing Use/Development Is Not Lawful.**

20/00595/AS - Prior approval for change of use from one agricultural barn and land within its curtilage to one dwelling house and associated operational development. **Prior Approval Refused.**

Invicta Palletts Site (Pinnock Bridge Farm, The Pinnock)

20. **09/00983/AS** - Change of use of agricultural building to the use for the storage, maintenance and repair of plant and machinery owned by the occupier of the Unit (Retrospective). **Refused / Allowed At Appeal.**

19/01246/AS - Retrospective planning application for the change of use of land to include the storage, maintenance and repair of plant and machinery, and for the stationing of a two storey site office, a steel framed drying kiln and a static caravan for overnight security guards. **Permit.**

Consultations

21. **Ward Member:** Cllr Bell has requested for the application to be determined at Planning Committee.

22. **Pluckley Parish Council;** Object. The following (summarised) comments have been provided:

- A similar change of use application was made under reference 16/00265/AS and refused as the applicant was unable to prove continuous use for non-agricultural purposes;
- There is no planning reason that would justify a change of use from Agricultural to B2 Commercial use;
- Visual impact on surrounding countryside including Public Footpath AW148;
- The area already experiences significant issues with lorries and HGV's accessing the Invicta Pallets site;
- Expansion of commercial activity and a commensurate increase in the volume of lorries accessing and leaving the site;
- The roads are unsuited and dangerous;
- Pluckley is a rural community which is keen to maintain its agriculture heritage;
- Detracts from area and gives impression of industrial estate;
- ABC's enforcement officer is already dealing with another development 18/01498 Enforcement ref: CO/22/00048 which is immediately adjacent to this site where an agricultural building is being used for storage;
- Concerns regarding agricultural buildings being developed into Industrial Estates.

23. **KCC Ecological Advice Service;** The following (summarised) comments have been provided:

Protected / notable species

Harm to breeding birds, reptiles and foraging/commuting bats can be avoided through precautionary mitigation. An Impact Assessment and Conservation Payment Certificate must be submitted as part of this application in relation to GCN.

Ancient Woodland / Local Wildlife Site

Question the need for areas of hard standing to be retained for use and if additional planting can be carried out within/adjacent to these areas to minimise how these areas will be used by future occupants of the site.

Additional information is required regarding operational hours / types of lighting to ensure that measures are in place to ensure that any impacts are minimal.

OFFICER NOTE: The business operating hours have been confirmed (in the submitted DAS) as being 8:30am to 5pm on Mondays to Fridays with no requirement for external lighting other than 3 moment sensor controlled downlights.

Enhancements

More could be done to benefit the site including the enhancement of the area of grassland used for grazing and increasing the number of ecological enhancement features (such as bat and bird boxes) within the wider site.

24. **KCC Public Rights of Way and Access Service**; No objections subject to informatives.
25. **ABC Environmental Protection**: No objections subject to conditions.
26. **Neighbours**: 3 neighbours consulted; 2 representations received –
 - More lorries along The Pinnock due to the site being bigger;
 - What will happen to the site when Invicta Pallets move?
 - This will open up the existing site to unknown further commercial uses;
 - Improvements to visual amenity if pallet business moved further away;
 - The site has been used for commercial purposes when permission was granted for agricultural use;
 - Attempts to create an industrial estate with this site and Frith Court Farm being located so close together;
 - The expansion of industry on this scale is not acceptable.
27. The application has also been advertised by a site notice and a press advert.

Planning Policy

28. 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).
29. The relevant policies from the Development Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP3 – Strategic Approach to Economic Development
 - SP6 – Promoting High Quality Design
 - EMP5 - New Employment Premises in the Countryside
 - EMP6 - Promotion of Fibre to the Premises (FTTP)
 - ENV1 – Biodiversity
 - ENV3a - Landscape Character and Design
 - ENV4 – Light pollution and Promoting Dark Skies
 - ENV9 – Sustainable Drainage
 - TRA3b – Parking Standards for Non Residential Development
 - TRA6 – Provision for Cycling

TRA7 - The Road Network and Development
TRA9 - Planning for HGV Movements

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

Supplementary Planning Guidance/Documents

The Reuse of Agricultural Buildings SPG7 (February 1995)

Landscape Character Assessment SPD

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Pluckley Neighbourhood Plan – Policy R1 (Landscape Character and Design)

Government Advice

31. National Planning Policy Framework (NPPF) 2023

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 130 – Achieving well-designed places.
- Paragraphs 174 – Conserving and enhancing the natural environment.

32. Planning Practice Guidance (PPG)

33. National Design Guide 2021

Assessment

34. The main issues for consideration are:

- a) Site History
- b) Principle of development
- c) Visual Amenity
- d) Residential Amenity
- e) Highway Safety

Site History

35. The site has a complex planning history dating back to the 1990s when permission was granted, subject to a S106 Agreement, for 4 large units in connection with the existing poultry business. The erection of buildings in the countryside is strictly controlled but exceptions are made for buildings to serve uses such as agriculture, in this case. The Council feared that the poultry business might fail and this led to the signing of the Agreement with the applicant at the time.
36. The S106 Agreement dated 9/8/2000 (attached to planning application 98/01260/AS) succeeds the earlier ones. The S106 Agreement provides for, among other things, the bungalow to be used only for agricultural accommodation ancillary to the land, the bungalow not to be sold separately from the land, and to demolish and remove the 4 poultry units within 12 months of ceasing to use them for the trade or business of poultry farming.
37. A planning application was submitted under reference 06/01115/AS in relation to an equestrian livery business, which was refused. In the appeal for this application the Planning Inspector assessed the existing S106 Agreement at Paragraphs 13 to 19 of the decision.
38. At Paragraph 15 the Planning Inspector noted: "*The Agreement related to planning permissions for a substantial built development in the countryside, as an exception to the normal planning controls, and in a case where the Council had doubts about the viability of the venture but was willing to give the applicant the benefit of the doubt provided that he removed the 4 large buildings if the poultry business failed*". The Planning Inspector then commented on the reasonableness of this approach and stated: "*there is no evidence that the Agreement was entered into other than voluntarily*".
39. At Paragraph 16 the Planning Inspector stated: "*With the information currently to hand, and despite there being no development plan requirement for the removal of the buildings, I find no element of the Agreement that conflicts in principle with the 5 tests (found at Paragraph B5 of Circular 5/2005 at the time of the decision). It is relevant to planning and was necessary to make the proposed development acceptable in planning terms, for a proposal of doubtful viability. Clearly the Agreement is directly related to the proposed development*".

and fairly related in scale and kind to it and, from the information available, it appears to be reasonable in all other respects. Indeed, there is nothing before me to demonstrate that the voluntary Agreement has inherent flaws or that it is "Wednesbury" unreasonable".

40. At Paragraph 17, the Planning Inspector noted the Council's position in relation to the existing buildings at the site and stated: *"The Council's position is that the poultry use has ceased, the buildings should be removed from the site and any proposals be considered against an open and undeveloped site. But it also states that it would probably allow a modification to the Agreement to retain one or more of the buildings for uses associated with the rural area. The Council argues that a balance would need to be struck over allowing the harmful presence of the buildings to remain and that it would probably only do this for agriculture or for an equestrian use, in principle"*.
41. At Paragraph 18, the Planning Inspector commented on potential action being taken at the site and stated: *"If a poultry business could be viable at the site, any case for the use of the buildings for other than poultry would have to be considered against a background wherein they only remained in existence to serve a viable poultry use and that there was potential for that use to take place. No doubt, if a poultry use did not commence, the Council would need to consider what action it should take; or, if it commenced in only 1 or 2 of the buildings, what action should be taken with regard to the others"*.
42. At Paragraph 18, the Planning Inspector concluded: *"The only certainties are that the 4 large buildings exist, they are subject to the requirements of a S106 Agreement and the Agreement is potentially enforceable but no steps have been taken by the appellant to seek to modify or discharge it and no steps have been taken by the Council for its enforcement"*.
43. In 2011, a further planning application was refused under reference 09/00863/AS in relation to an equestrian livery business; however this was later allowed at appeal. This allowed for the conversion and change of use of 2 redundant poultry sheds for stabling and ancillary storage, use of agricultural building 5 for storage of horse boxes and trailers, construction of ménage to provide an equestrian livery business, associated parking and use of farm bungalow in association with equestrian livery use
44. This permission was subject to a signed S106 Agreement dated 15/12/2010. The S106 Agreement related to the nature of the livery enterprise and restricted the use of the premises to the provision of full livery services and ancillary activities comprised within the equestrian business. The S106 stated that if at any time the buildings were not used either for full livery or poultry/egg production they would have to be demolished within 12 months of the cessation of such use. It also stated that the dwelling could only be occupied in accordance with the occupancy details set out so as to ensure the dwelling remains in use or available to help meet the accommodation needs of certain rural workers. This S106 Agreement essentially replaced all previous S106s as

the Council released all covenants and conditions contained in the earlier s.106s via the 2010 deed.

45. A deed of variation, as mandated by Section 106A (2) of the Town and Country Planning Act 1990, is requisite to appropriately address this application and retain the existing buildings for the proposed use. This necessitates an application to modify the planning obligation, facilitating its variation between parties. Upon submission of this deed of variation, the Council will be responsible for determining whether there was sufficient justification for the retention of the buildings on the site. Failure to adhere to the correct procedural steps by the applicant is evident. The proper process for implementing changes to a Section 106 Agreement involves distinct tests and legislative provisions, different from those implicated in the current application.

Principle of development

46. The site is located in the countryside; therefore the main policy for consideration is EMP5 which relates to 'New Employment Premises in the Countryside'. Policy EMP5 states that proposals for employment development on new sites in the countryside will not be permitted unless the following criteria can be met:-
- a) It is essential to be located in the countryside;
 - b) Development can be integrated sensitively into its context respecting the character of any important existing buildings, the landscape setting and sites of biodiversity value;
 - c) There would be no significant impact on the amenities of any neighbouring residential occupiers; and,
 - d) It can be demonstrated that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
47. NPPF Paragraph 84 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.
48. The applicant is the owner of Invicta Pallets which is a pallet recycling business that is currently located to the north of the site at Pinnock Bridge Farm. Invicta Pallets has been operating from this site since 2013 and the site itself has been an established commercial site since around 2010 when application 09/00983/AS was allowed at appeal. Invicta Pallets brings in used pallets and refurbishes them into new and usable pallets that are distributed to its customers.
49. The applicant has stated the business has grown over the past 10 years and the existing site is now too small for the scale of current and future business activities. The existing business carries out its pallet assembly work under lean-to canopies within the open yard and this is subject to the vagaries of the weather. Once the pallets have been refurbished they are stored in the open

yard area before being kiln-dried and distributed to customers. The differing size/typology of pallets is quite varied (with up to 12 differing variants) and they all require slightly differing processing, assembly and drying credentials. In view of the wide range of pallets being refurbished, the degree of external storage space required to stack the differing pallets in their associated typologies is large. The applicant has stated the existing site cannot be expanded and the remaining part of the farm to the immediate north is already leased on a long term basis to another business.

50. The site being proposed under the current application would allow the existing business to relocate to a new site that would be locationally identical in transportation terms (for distribution needs and staff). The proposed site has a greater degree of internal space for the timber processing and pallet assembly works, and it is located further away from the nearby residential dwellings. The applicant has pointed out that relocating the site away from the area would be a major negative for the business.
51. Taking all of the above into consideration, whilst it is acknowledged the proposal would allow an existing business to expand in the locality, it is not considered essential for the employment premises to be located in the countryside. Although the existing Invicta Pallets business is already established at Pinnock Bridge Farm, the proposal requires the assessment of this newly proposed employment premises in a location in the countryside that is materially different.
52. For the foregoing reasons, the proposal would conflict with the current requirements of part (a) of Policy EMP5. Parts (b) to (d) of Policy EMP5 have been discussed at length below.

Character and Appearance (Visual Amenity)

53. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings and Policy ENV3a states that the Council shall have regard to the purpose of conserving and enhancing the landscape. Policy EMP5 states at part (b) that new employment premises in the countryside should be integrated sensitively into their context and should respect the landscape setting of the area.
54. In addition to local plan policies, the Council has an adopted supplementary planning guidance (SPG7) on the re-use of agricultural buildings which gives clear guidance on the design of building conversions. This guidance makes specific reference to uses being compatible with the character of the rural area (Paragraph 2.1.4).
55. NPPF Paragraph 130(a) states that planning policies and decisions should ensure that developments add to the overall quality of the area and are sympathetic to the surrounding landscape setting (c). Paragraph 174 states that proposals should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

56. The proposed use of the existing barns at the site for general industrial purposes under Class B2 would be inappropriate in this sensitive location, which has previously only been considered suitable for agricultural use or equestrian use. The proposal would result in the creation of a much larger expanse of concrete for the open storage of pallets together with additional built development in the form of a drying kiln and site office, and a formal parking area with all of its associated vehicles. Essentially, the proposal would result in an unacceptable encroachment into the countryside and would fail to contribute to and enhance the natural and local environment thereby detracting from the character and appearance of this part of the countryside and the wider landscape. In addition, there would be associated vehicle movements with cars and HGVs entering right into the heart of this part of the countryside which presently experiences minimal comings and goings. Although it is acknowledged the site would have previously been used and accessed by large farming vehicles and machinery, this would not have appeared out of character in this particular location given its historical use for agricultural purposes.
57. The applicant has stated that the existing buildings in situ, which were formerly used as part of the poultry farm business, have been used as car body repair businesses for a number of years. However, the site does not benefit from any planning permission or lawful development certificate relating to the alleged uses. When the site was visited by officers, cars were observed in 'Barn C' (as shown at Figure 6 above) whilst Barns A and B were not accessible. Therefore, it has not been possible to inspect these barns during the site visit. Notably, the remaining parts of the site, including existing concrete slabs, appeared dormant.
58. Whilst a comparative assessment of the existing situation and proposed situation would involve analysis of an existing unlawful use at the site, this nonetheless would be contained within the existing buildings. Taking all of the above into consideration, it is concluded that there is no compelling justification for the proposed business premises to be sited in this exposed location. Whilst the proposal would deliver some economic benefit in terms of jobs creation, it is not considered that these benefits would be sufficient to set aside significant landscape harm identified. Regard has also been had to the landscaping scheme submitted with the application. Whilst it includes some trees and hedges, given the scale and prominence of the development in the wider landscape views, it would do little to mitigate the landscape harm arising from the proposed development. Consequently, the proposal would conflict with Policies SP1, SP6, ENV3a, EMP5 of the Ashford Local Plan (2030) and Paragraphs 130 and 174 of the NPPF (2023).

Residential Amenity

59. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings. Policy EMP5 states at part (c) that new

- employment premises in the countryside should not result in any significant impact to the amenities of neighbouring residential occupiers.
60. NPPF Paragraph 130(f) states that, amongst other things, planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
 61. Given the separation distance to the surrounding neighbouring properties, it is considered that the proposal would not result in any unacceptable loss of daylight/sunlight, loss of privacy or loss of outlook.
 62. The applicant has submitted a Noise Impact Assessment (dated April 2023) as part of their proposal. The main noise sources have been identified as being the generator used for the kiln, the saw and the nail gun used to repair the pallets and through the operation of four diesel forklifts across the site. Background levels were measured at the residential property at Daniel Farm between the hours of 7.00am to 6pm on weekdays only. This property is located approximately 170m away from the site and the Noise Impact Assessment looked at the excess over background to be equal to or below the measured background levels.
 63. The Noise Impact Assessment identifies that the highest noise levels at the site would be from the movement of forklifts around the site. ABC's Environmental Protection team has confirmed the Noise Impact Assessment appears satisfactory but, in the event of complaints, the business may need to consider using quieter running forklifts to the current diesel ones and an alternative forklifts signalling systems, for example with white noise rather than traditional beepers.
 64. ABC's Environmental Protection team has stated that the proposed mitigation measures identified in the Noise Impact Assessment would need to be implemented by the applicant prior to first use. The business may also need to carry out a reassessment once operational in order to assess the noise impact of the forklifts if complaints are received from any of the nearby residential properties. These matters could all be dealt with through appropriately worded planning conditions.
 65. In terms of general disturbance from the proposed development, it is considered the main impact would be to the residential properties immediately adjacent to the site entrance along Smarden Bell Road. However, in view of the fact the existing Invicta Pallets business is already operating in this location, any likely impact from vehicles movements would be similar to what is already experienced. The business itself would be located further away from these properties and this would result in a general improvement in this regard.
 66. Subject to appropriate conditions in line with the above it is considered the proposal would comply with the requirements of Policies SP1, SP6, EMP5 and NPPF Paragraph 130(f) in relation to residential amenity. Although the

relocation of the business away from the existing site would allow a new (unknown) business to move into the existing site with its own potential impacts, this would need to be assessed on its merits.

Highways Safety

67. Policy TRA3b relates to 'Parking Standards for Non Residential Development' and states that B1 office uses (up to 500m²) should provide 1 space per 20sqm and B2 uses should provide 1 space per 50sqm.
68. Policy TRA7 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. Policy TRA9 relates to proposals that would generate significant heavy goods vehicle (HGV) movements.
69. Policy EMP5 states at part (d) that new employment premises in the countryside should not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it.
70. Policy TRA6 relates to cycle parking provision.
71. NPPF Paragraph 111 states that development proposals 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'
72. KCC Highways and Transportation has confirmed that a total of 30 parking spaces is required and this has been provided on site. As such, there are no objections from a parking perspective.
73. The business currently has 4 HGV vehicles (although it has Operator Licenses for 6 in total) and they would also be seeking to acquire 1 additional HGV vehicle. Vehicle tracking has been demonstrated on the submitted plans for a 16.5 metre long articulated vehicle to show that it can enter the site, turn and exit in forward gear.
74. There is an established vehicular access to the site from Smarden Bell Road with passing spaces provided. The existing Invicta Pallets business is located to the immediate north of the site and has been in operation for the past 10 years or so. The applicant has confirmed the proposal would see a minor expansion of the business that would increase the level of transport movements to and from the site. However, the increase in transport movements would be offset by the loss of the existing unlawful commercial uses on the land at Daniel Farm.
75. KCC Highways and Transportation has confirmed that a total of 8 cycle parking spaces are required to be provided as well as a minimum of 3 active electric

vehicle charging spaces (to a 7kw standard). Whilst these have not be shown on the submitted plans it is considered that this could be dealt with by way of appropriately worded planning conditions.

76. Taking all of the above into consideration, it is considered that parking could be adequately accommodated on site and any additional traffic load to the highways network would be unlikely to lead to any additional discernible transport impacts that would warrant refusal of planning permission on this basis. As such, the proposal is acceptable from a highways safety perspective and would comply with Policies TRA3b, TRA6, TRA7, TRA9 and EMP5 and NPPF Paragraph 111. However, the associated harm to the landscape from vehicles entering right into the heart of this part of the countryside is a serious concern as highlighted in the previous sections above.

Trees and Ecology

77. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve the wider ecological networks. Policy EMP5 states at part (b) that new employment premises in the countryside should respect sites of biodiversity value.
78. NPPF Paragraph 130(b) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. NPPF Paragraph 179 specifically refers to the protection and enhancement of biodiversity and Paragraph 180 states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
79. The applicant has submitted a Preliminary Ecological Appraisal (dated 20/3/2023) as part of their proposal and they have confirmed they have started the District Level Licensing process with Natural England in relation to Great Crested Newts.
80. KCC's Ecological Advice Service are satisfied with the conclusions of the Preliminary Ecological Appraisal in terms of breeding birds, reptiles and foraging/commuting bats as any associated impacts can be avoided through precautionary mitigation measures.
81. With regards to Great Crested Newts it has been detailed in the Preliminary Ecological Appraisal that the impacts will be avoided through the District Level Licence (DLL) scheme and information has been provided to confirm that discussions with Natural England have commenced. KCC's Ecological Advice Service has stated that an Impact Assessment and Conservation Payment Certificate must be submitted as part of the application. This has not been done by the applicant as they have only provided confirmation from Natural England that the application for DLL is provisionally accepted. However a suitably

worded condition could ensure this is provided prior to commencement of any development on site.

82. In terms of the adjacent Ancient Woodland / Local Wildlife Site, the Preliminary Ecological Appraisal has confirmed that the proposed development would not be carried out within 15m of the Ancient Woodland. This has also been shown on drawing nos. 367/IP/003/A and 367/IP/14/A. The Preliminary Ecological Appraisal demonstrates that the areas of hard standing directly adjacent to the areas of Ancient Woodland would be retained and the proposal would also be utilising existing buildings in this area. KCC's Ecological Advice Service has recommended that a condition be imposed to require additional planting to be provided in, and adjacent to, these areas of hardstanding in order to minimise how they would be used by the future occupants of the site.
83. KCC's Ecological Advice Service has stated that no information has been provided to assess the impact on the Ancient Woodland / Local Wildlife Site from an operational use perspective, particularly in terms of potential noise and lighting. KCC's Ecological Advice Service has stated that additional information should be provided in relation to operational hours / types of lighting; however these have been identified in the submission. The applicant has confirmed that the proposed business would operate from 8:30am to 5pm on Mondays to Fridays and the development would not require any external lighting other than 3 moment sensor controlled downlights. It is understood that the proximity of the existing buildings to the Ancient Woodland would require measures to be put in place to safeguard against any potential impacts; however it is considered this matter could be dealt with by a suitable worded pre-commencement condition.
84. KCC's Ecological Advice Service has stated that improvements could be made to the submitted landscaping plan, including the enhancement of the area of grassland used for grazing and increasing the number of ecological enhancement features (such as bat and bird boxes) within the wider site. It is considered this could be dealt with by a suitable worded pre-commencement condition.

Human Rights Issues

85. 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

86. 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

48. In conclusion, the development plan allows for new employment premises in the countryside if it considered (amongst other things) essential for them to be located in the countryside. This is not the case for the current proposal. The proposal would result in unacceptable encroachment into the countryside and fail to integrate sensitively into the rural context thereby causing significant harm to and detracting from the character of the countryside and the wider landscape. As such, the proposal would conflict with Policies SP1, SP6, ENV3a, EMP5 of the Ashford Local Plan and paragraphs 130 and 174 of the NPPF.

Recommendation

Refuse

1. The proposed development, if permitted, would result in an unjustified commercial development, outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. Therefore, the proposal would fail to comply with Policy EMP5(a) of the Ashford Local Plan (2030).
2. The proposed development would result in unacceptable encroachment into the countryside to the significant detriment of the rural character and appearance of the countryside and the wider landscape, contrary to Policy ENV3a of the Ashford Local Plan (2030) and paragraphs 130 and 174 of the National Planning Policy Framework (2023).

Informatives:

1. Working with the Applicant (Refusals)
2. Refused Plans list

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/2022/2223)

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| | | |
|--------------------------------|--|-----|
| Application Number | PA/2023/1478 | |
| Location | Cherry Orchard, Bower Road, Mersham, TN25 6NW | |
| Grid Reference | 05546/39431 | |
| Parish Council | Mersham | |
| Ward | Mersham, Sevington South with Finberry | |
| Application Description | Proposed 2m North East and North West boundary fence following the removal of an existing Leylandii hedge. | |
| Applicant | Mr & Mrs Strover | |
| Agent | N/A | |
| Site Area | 0.1 ha | |
| (a) 6/- | (b) X | (c) |

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member Cllr Bartlett.

Site and Surroundings

2. The application site comprises the residential garden area surrounding the property known as Cherry Orchard within Mersham. It is not within any designated areas. The site occupies a corner plot with the main Bower Road to the front and Cherry Glebe to the side. The main driveway to serve the property is on Cherry Glebe although there is also a gate set back within the hedging to the front along Bower Road which was granted permission in 2018. Leylandii hedging is to the entire side along Cherry Glebe with further leylandii to the front along Bower Road. However along Bower Road there is a gap in front of the leylandii with native hedging along the grass verge which is immediately in front of the leylandii.
3. Although a residential area, the immediate vicinity is rural in its appearance. The majority of the plots benefit from dense, attractive hedging as boundary features, particularly Bower Road to the front. These landscaping features contribute positively to the character of the area. Some have no boundary treatments to the front contributing to the open character of the area. Fencing

is rare and are either to the sides of properties or are of a post/rail style at heights of approximately 1m-1.5m. Where such means of enclosure are evident, they are not so prevalent as to be an overriding characteristic of the area.

4. Of note is a close board fence along the southwest boundary of Cherry Rose opposite the application site. This particular property was granted planning permission in 2022 for an extension with the approved plans showing a proposed native hedgerow and trees along the southwest border with no fence approved. The fence has therefore been erected without the benefit of planning permission and is currently subject of a live enforcement case.



Figure 1 Site Location Plan

Proposal

5. Full planning permission is sought for the erection of a 2m high closeboard fence which is to run the entire front and side boundaries of the dwelling, approximately 63m in overall length.
6. During the course of the application, officers tried to work with the applicant to explain concerns and suggest solutions. It was suggested that the proposal be altered so that the fence would be 1.5m in height; the applicant did reduce 4 of the panels nearest to their driveway along Cherry Glebe but wishes the

application to be determined based on the plans provided and does not wish to reduce the fence any further.

7. The applicant intends to retain the native hedging to the front and whilst it is acknowledged that in itself would somewhat mitigate matters, the native hedge is located on the grass verge which is not within the ownership of the applicant, nor is it contained within the red line. The applicant was advised that in order for the retention of the hedge to be conditioned then the verge/hedge should be shown in the red line and relevant notice served. A land registry search was carried out to ascertain ownership and the grass verge is shown to be under the ownership of the “Mersham Development Corporation” who are no longer in business therefore ownership is not certain. The applicant was advised that the correct ownership certificate (Certificate D) would need to be completed in the application form along with the potential for publication in the local newspaper. None of this information has been recognised by the applicant. The requirement for the extent of high fencing is to provide security and privacy to the site.

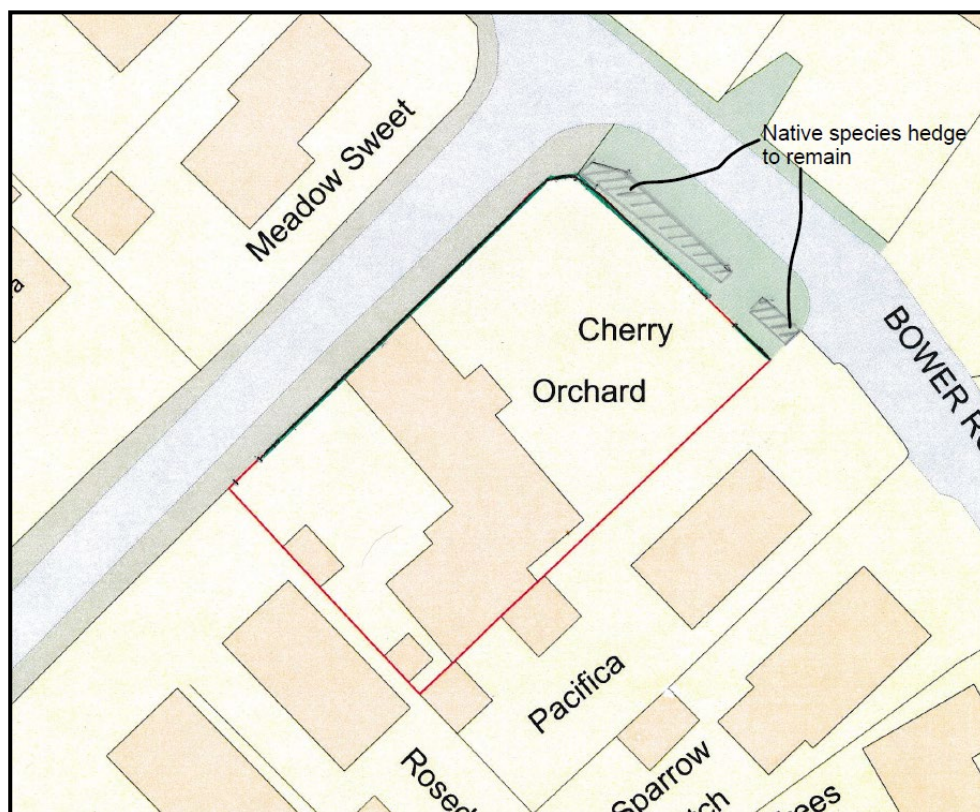


Figure 2 Black line showing extent of fencing; native species not within red line/ownership

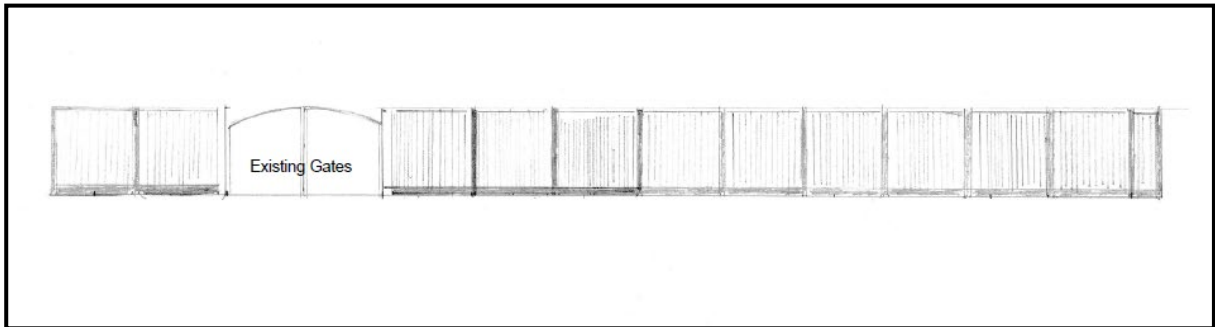


Figure 3 North East Boundary Fence (along Bower Road)

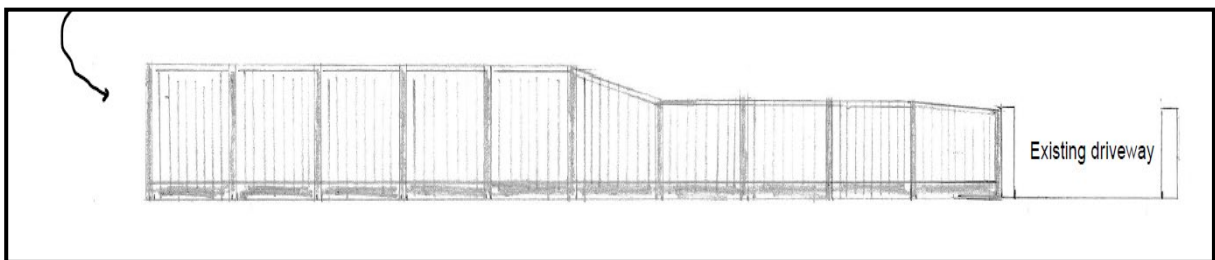


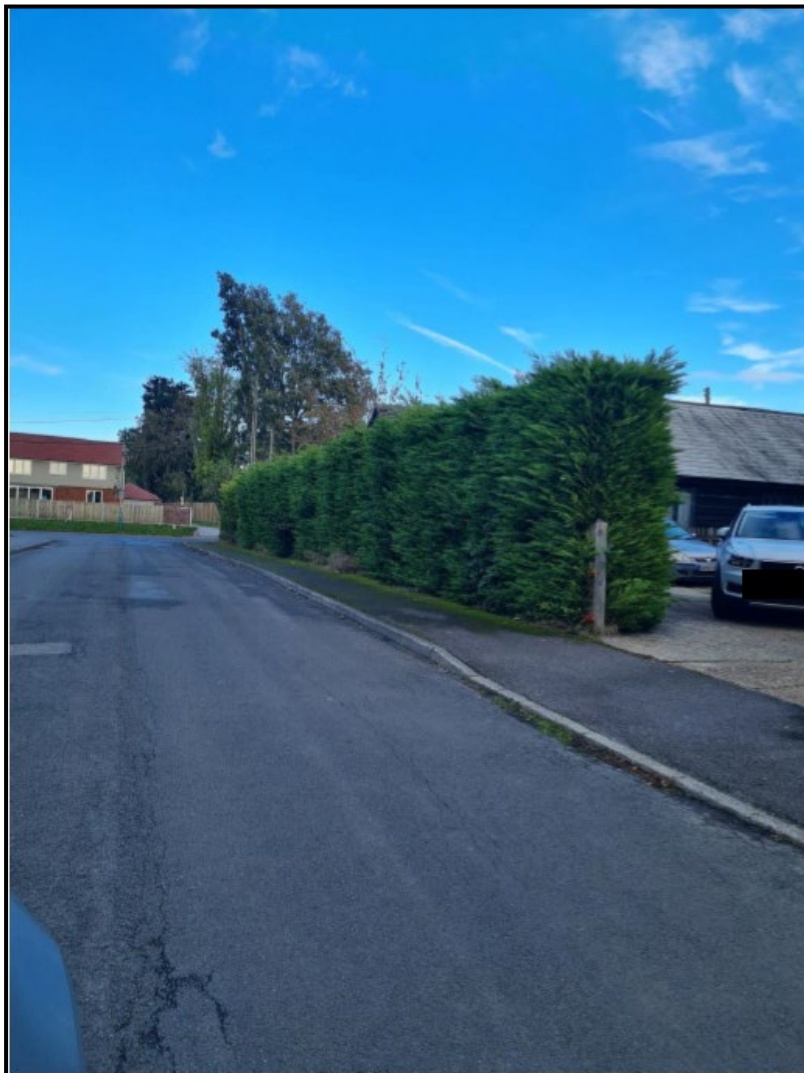
Figure 4 North West Boundary Fence (along Cherry Glebe)



Figure 5 Street scene; southeast along Bower Road



Figure 6 Northwest Along Bower Road



**Figure 7 Along Cherry Glebe - hedge to be removed
and replaced with the fencing panels**



Figure 8 Corner of site - Bower Rd/Cherry Glebe

Planning History

8. The following is relevant relating to the application:-

18/00016/AS New vehicular access with 2 no. 1.8m high gates - planning permission granted 05/03/2018

Consultations

Ward Member(s): Cllr Bartlett who has called the application in to be determined by the committee

Parish Council - "raises no objections but would suggest that a 6ft fence might be more appropriate for aesthetic reasons and to be in keeping with the immediate area" (*planning officer note: a 6ft fence would be 1.82m and therefore only 18cm less than that proposed*)

Neighbours – 6 neighbours consulted; no representations received

Planning Policy

9. The Development Plan for Ashford Borough comprises:-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
10. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination
 - (ii) Pluckley Neighbourhood Plan Review currently at Examination
 - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
11. The relevant policies from the Development Plan relating to this application are as follows:-
- SP1 – Strategic Objectives
- SP6 – Promoting High Quality Design

Government Advice

National Planning Policy Framework (NPPF) 2023

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

National Planning Policy Guidance (NPPG)

Assessment

13. Visual Amenity

The erection of the fencing to surround the entire front and northwest side of the plot would result in the full enclosure of the plot by way of a 63m long, predominantly 2m high close-board fence together with posts and bases. The proposed fence would result in a high, visually impermeable, urbanised feature and would be a dominant and incongruous structure in a highly prominent position. The development would erode, and thus be harmful to, the attractive rural character of the area. Furthermore, given the fact Bower Road particularly is one of the main thoroughfares within the area, this form of development would be particularly visible from all directions. Therefore the proposed development would result in visual harm to the surrounding street scene to the detriment of the character and appearance of the surrounding area.

14. Furthermore with the uncertainty of ownership of the grass verge, and the inability to secure retention of the existing hedgerow via condition, no reliance can be placed upon this existing hedgerow to mitigate any visual harm along Bower Road. Without this hedging to Bower Road, a 2m timber fence would be much harsher especially set against the verge without any hedging to provide some visual relief. What is more, the corner plot of the application site forms part of the entrance into the wider aspect of Cherry Glebe, and the proposed fence at this location would alter the appearance of the area from an inviting one to one that would be harsh and uninviting.

15. The applicant wishes to erect the fence for privacy and security reasons but as can be seen from the photograph above privacy and security is already afforded to the property by the existing dense hedgerow.

16. Residential Amenity

Given the nature of the development there would be no harm caused to residential amenity as a result of the fencing.

17. Highway Safety

There would be no harm to highway safety

Human Rights Issues

18. I have 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

19. 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

20. In light of the above assessment, I consider the proposed fencing would not comply with the requirements of Development Plan policy and Central Government guidance, resulting in a form of development visually harmful to the character of the surrounding area. No overriding justification for it has been provided. It would be contrary to policies SP1 & SP6 which, amongst other aims, seek to protect the high quality built environment and demonstrate a positive response to character, distinctiveness and sense of place. I therefore recommend refusal.

Recommendation

Refuse

on the following grounds:

The proposal would be contrary to policies SP1 & SP6 of the Ashford Borough Local Plan (2030) and to Central Government advice contained in the National Planning Policy Framework and would be considered development harmful to interests of acknowledged planning importance for the following reasons:

- The proposed fence to the northwest and northeast boundaries of the site by virtue of its solid appearance, height and siting adjacent to the highways would result in a visually impermeable, urbanised, dominant and incongruous

feature in a prominent position which would be out of character with the soft and rural character of the surrounding area to the detriment of visual amenity.

Note to Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,

In this instance

- the applicant was updated of any issues after the initial site visit,
- the applicant responded by submitting amended plans which did not address all the outstanding issues
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (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/2023/1478)

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| | |
|--------------------------------|---|
| Application Number | PA/2023/1328 |
| Location | 23 Barnett Field, Ashford, TN23 4RG |
| Parish Council | Central Ashford |
| Ward | Beaver |
| Application Description | Conversion of existing dwelling to two self-contained 1-bedroom flats |
| Applicant | Mrs Sharon Williams, Ashford Borough Council |
| Agent | Agent ABC - Housing Development and Regeneration |
| Site Area | 0.043ha |

Introduction

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

Site and Surroundings

2. The application site comprises a two storey semi-detached end of terrace property sited on the eastern side of Barnett Field and located within South Ashford.
3. The property currently benefits from 3 bedrooms all on the first floor with a lounge, kitchen and utility room on the ground floor. There is currently parking for two vehicles on the driveway. It is also worth noting that there are no parking restrictions in the surrounding streets.
4. The prevailing character of the street scene is one of properties of a similar style/design with a mix of terraced and some semi-detached dwellings, in either render or facing brickwork. There is a fair degree of landscaping in the vicinity with trees, amenity areas, low hedgerows and some picket fencing.

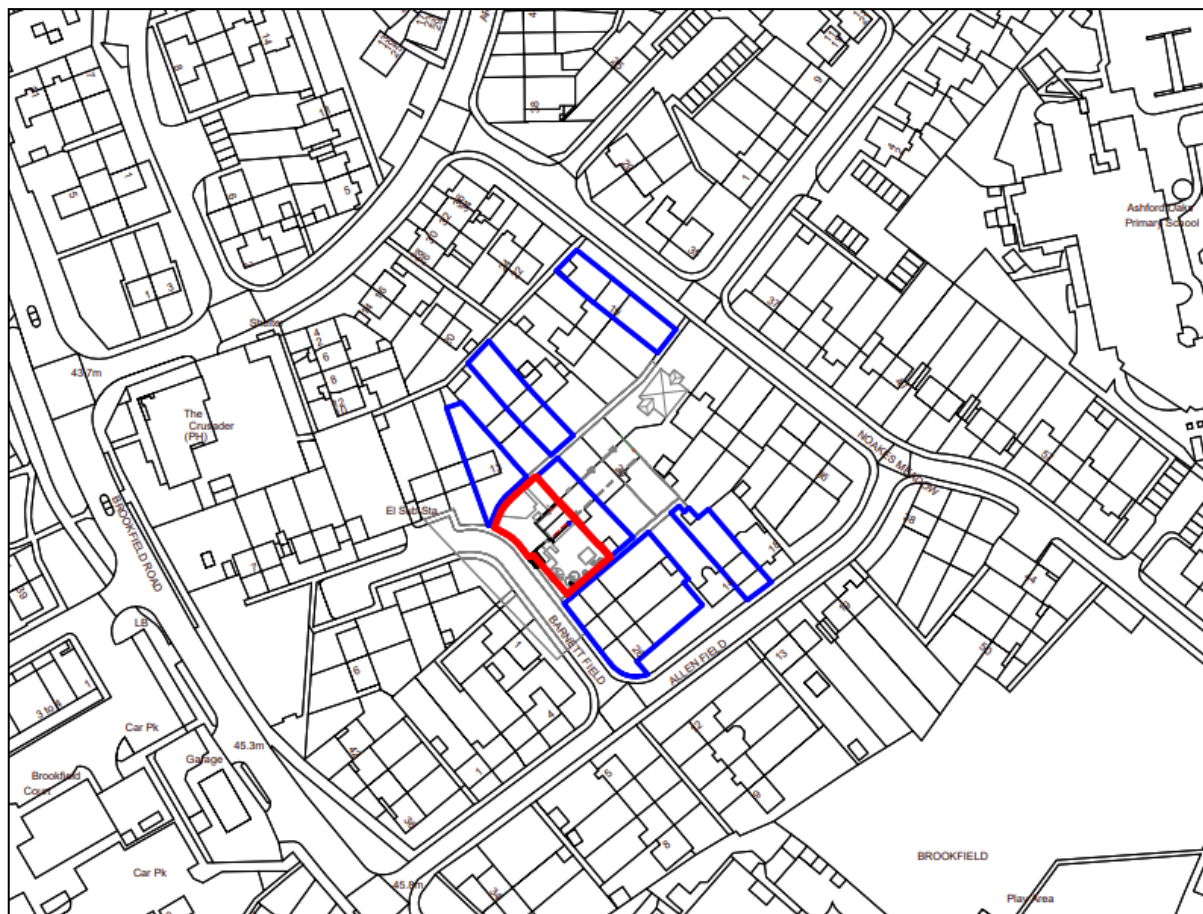


Figure 1: Site Location Plan outlined in red – blue signifies other land owned by ABC

Proposal

5. Full planning permission is sought for the conversion of the dwelling to 2 self-contained 1-bedroom / 1 person flats (one on each floor). There are associated internal alterations, but the external alterations are minimal with some slight fenestration alterations on the north, south and east elevations and the removal of a porch at the front of the property. As well as the provision of solar panels on the rear roof slope, water butts are proposed to the side and rear and 2 no electric vehicle charging points are proposed to be provided on the driveway to the side. A gated access is proposed along with parking for 2 cars.
6. The conversion of this building is proposed as part of a scheme under the Government's Levelling Up agenda with the aim to help rough sleepers rebuild their lives under a Government supported scheme. The property was bought

by the Council specifically for this project. The applicant has confirmed that this property will be for single person occupancy of each unit only.

7. It is of note that 23 Barnett Field is one of a number of properties being converted to provide housing for rough sleepers in the Borough. At this time Ashford Borough Council has identified that a minimum of 15 properties are required to accommodate the needs of this project in the Ashford Area. Similar applications have been heard by the Planning Committee in November and December 2022 under application reference 22/00569/AS for 240 Beaver Road, Ashford, and in August 2023 under application reference PA/2023/0218 for 15 Warwick Road, Kennington, and lastly in September 2023 under application reference PA/2023/0225 for 36 Hurst Road, Kennington.
8. In support of this application, the Development & Regeneration Manager, Housing has set out the context behind this proposal.
 - The property has been purchased by ABC specifically for the conversion, as part of the above mentioned scheme.
 - Private and Council households can be under or over occupied. This can be due to personal circumstances (children left home, or two single parents with children) as well as financial.
 - The conversion is part of a nationwide programme to provide rough sleeper accommodation.
 - Two units of accommodation next to each other provides concentration of provision for management without being excessive.
9. The Development & Regeneration Manager, Housing further highlights that the Council's waiting list will always be different to the national picture and that ABC address' the needs of those who are more vulnerable. The table below provided by the applicant sets out the needs of those on the Council's housing waiting list. The numbers at the top of the table are the number of bedrooms needed (i.e. there is a need for 728 x 1 bedroom properties at present in the Borough).

| | | | | | | |
|-------|-----|-----|-----|----|----|---|
| Need | 1 | 2 | 3 | 4 | 5 | 6 |
| Total | 728 | 281 | 352 | 95 | 23 | 1 |

Figure 2: Housing Waiting List Needs

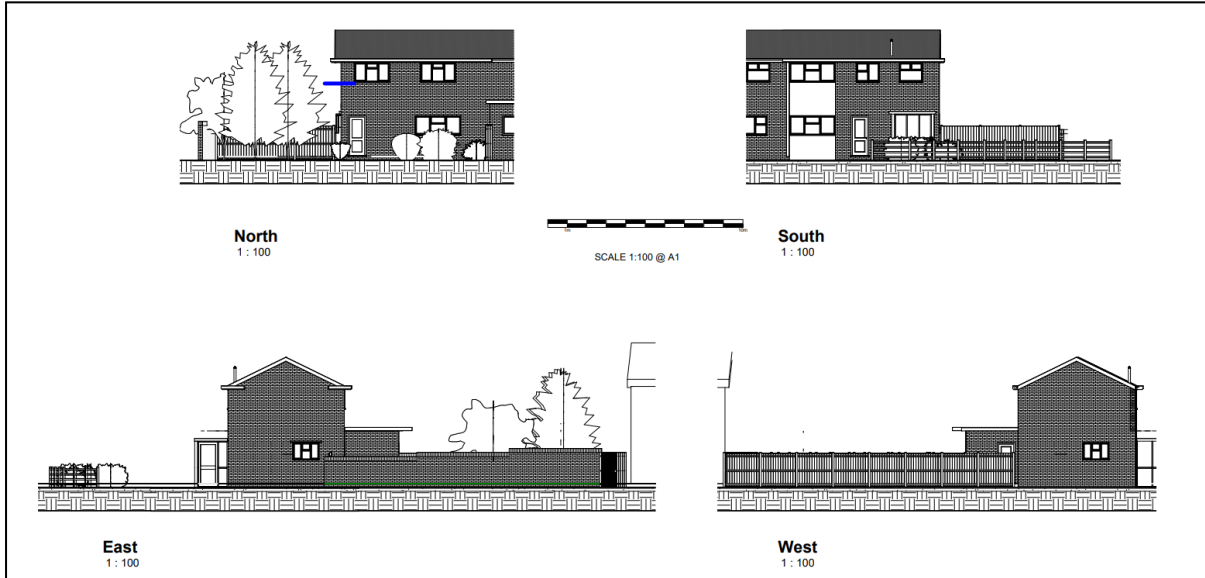


Figure 3: Existing Elevations

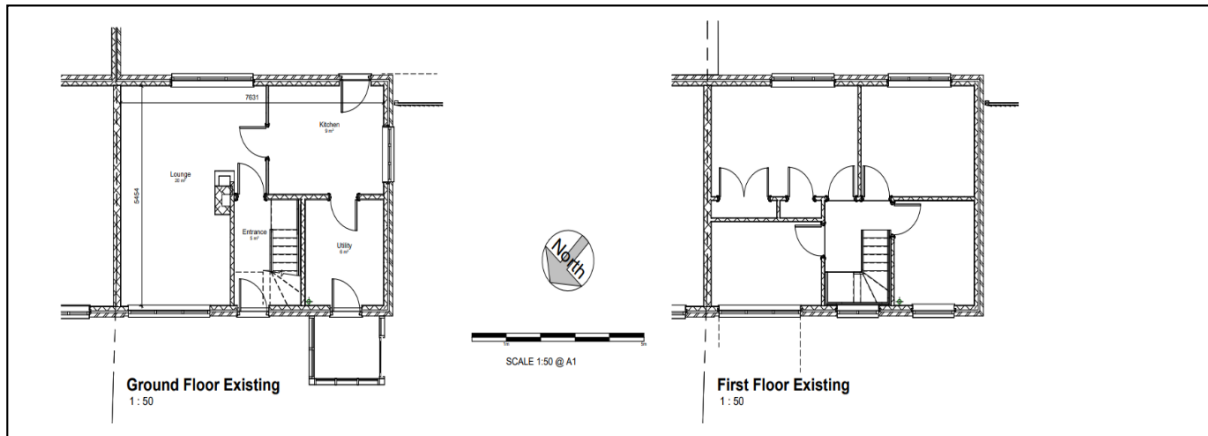


Figure 4: Existing Floorplans

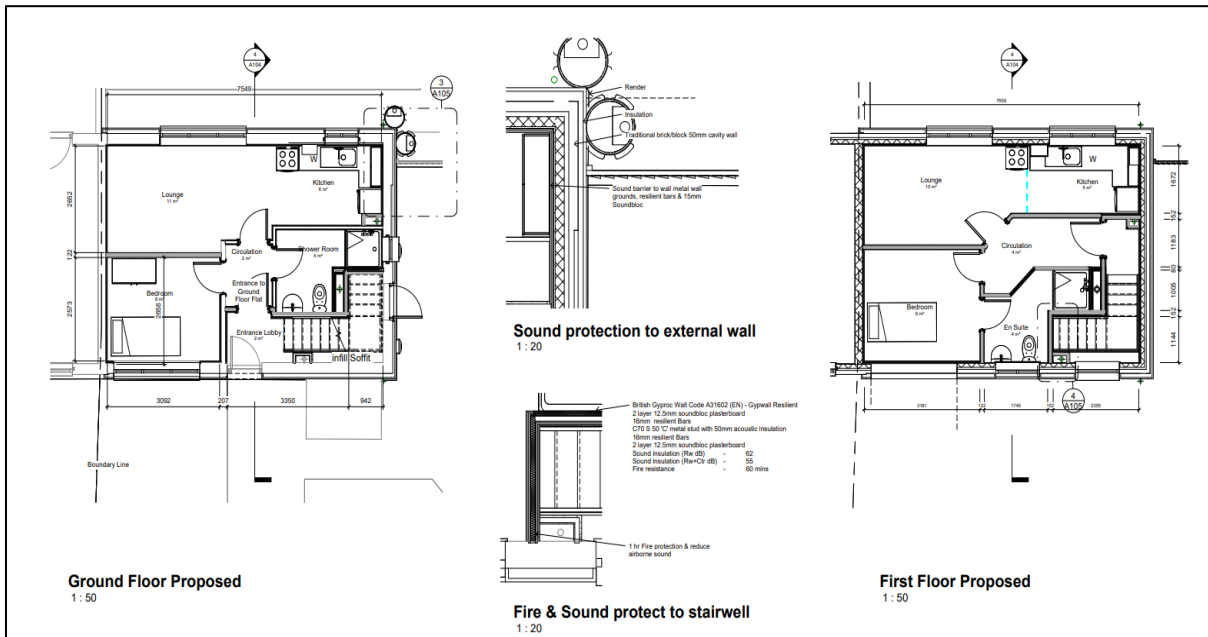


Figure 5: Proposed Floorplans

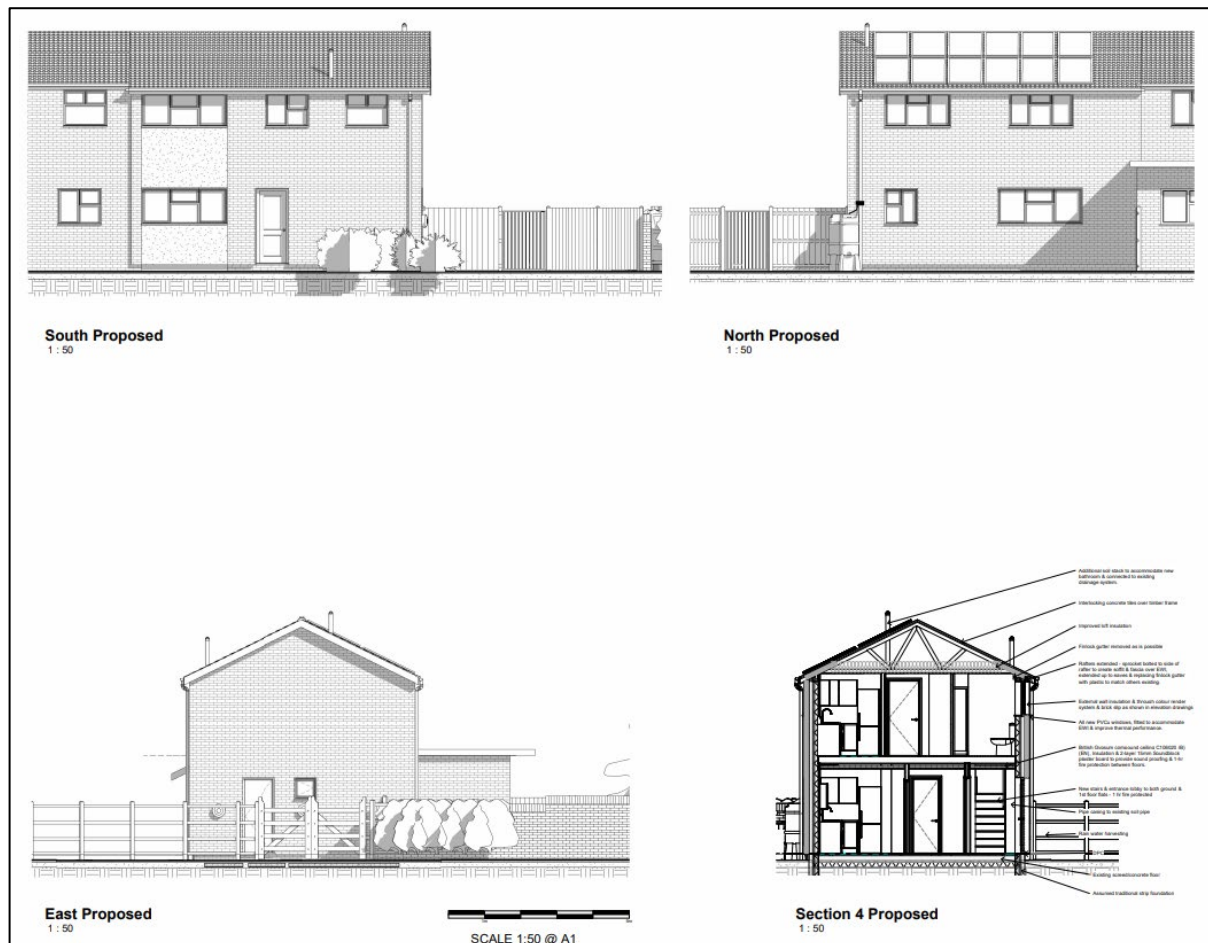


Figure 6: Proposed Elevations & Section

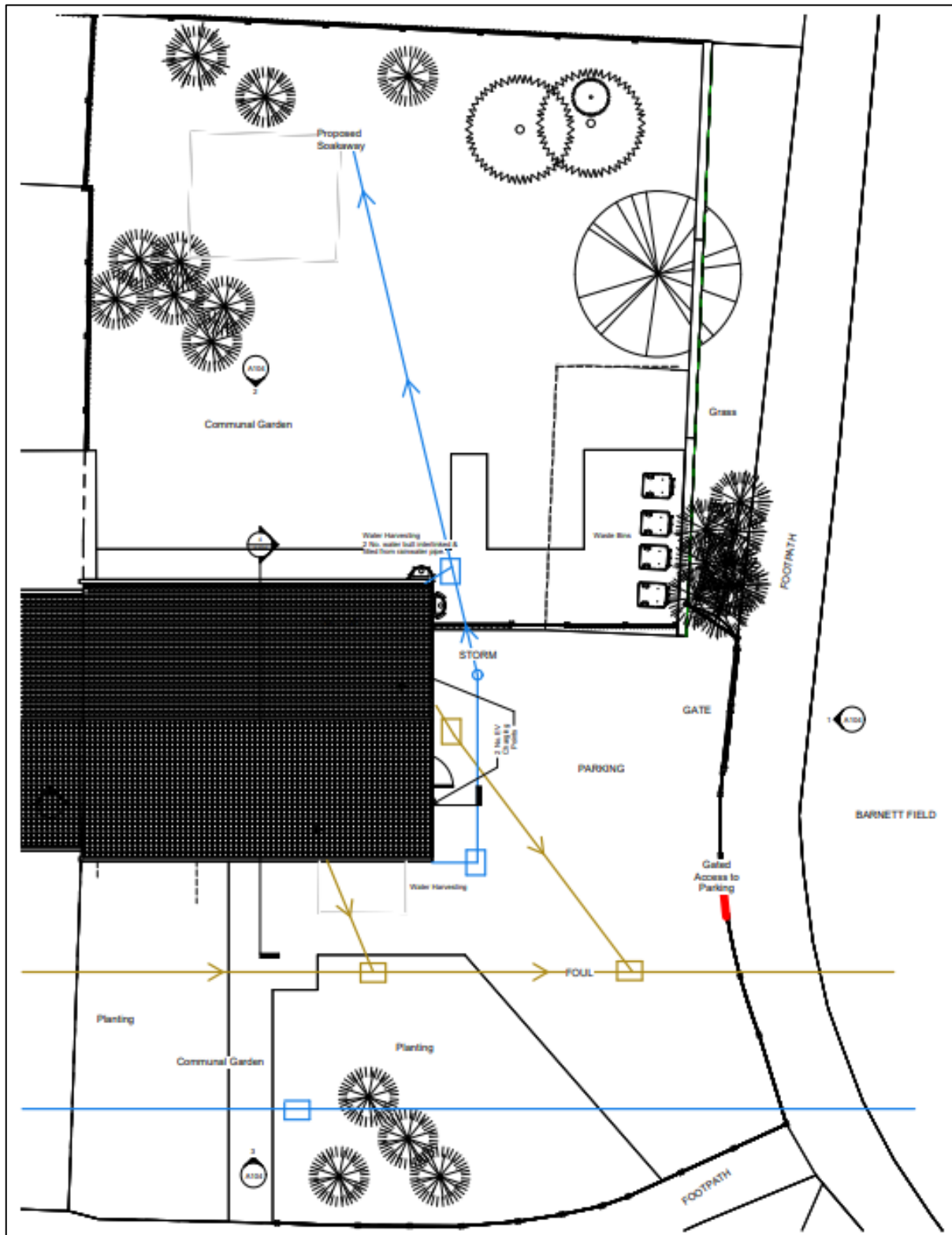


Figure 7: Site Plan

Planning History

10. There is no relevant planning history for the site.

Consultations

11. The application has been subject to formal statutory and non -statutory consultation.
12. **Ward Member:** No comments received from either Cllr Suddards or Cllr Leavey.
13. **Neighbours: 9** neighbours were consulted **1** letter of objection received stating the following:
- There is a huge shortage of 3 bedroom properties for families.
 - There are families that are stuck in flats, with young children with special needs who would greatly benefit from a garden.
 - This is a property that many families need. Where is the justification for converting a much needed house into 2 x 1 bedroom flats?

Planning Policy

14. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
 - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
 - (viii) the Charing Neighbourhood Plan (adopted July 2023)
 - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
15. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Examination.

- (ii) Pluckley Neighbourhood Plan Review currently at Examination.
- (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.

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
ENV1 - Biodiversity
HOU3a – Residential Windfall Development Within Settlements
HOU12- Residential Space Standards Internal
HOU15 - Private External Open Space
TRA3a - Parking Standards for Residential Development
TRA6 - Provision for Cycling
TRA7 – The Road Network and Development

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

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010
Residential Parking & Design SPD 2010
Residential Space & Layout (External space standards) 2011
Landscape Character SPD 2011
Climate Change Guidance for Development Management

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

18. 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:-

4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

19. The main issues for consideration are:
 - Principle of Development
 - Design, Character and Appearance
 - Residential Amenity and Standards
 - Parking Provision and Highway Safety
 - Other Matters

Principle of Development

20. There is no specific policy objection to the conversion of larger dwellings into smaller units in the adopted Local Plan. Neither are there compelling housing needs that support the retention of large homes. In the circumstances, there are no reasons why this proposal should not be given a favourable consideration if it complies with the relevant Development Plan policies and standards.

Design, Character and Appearance

21. Local Plan policies SP1 and SP6 require good design and state that all development should seek to create a distinct character, with a strong sense of place and identity. These policies are broadly consistent with the NPPF which attaches great importance to the design of the built environment and seeks to safeguard heritage assets. The proposed external alterations; which include the demolition of the existing porch, small fenestration alterations, installation of solar panels on the rear elevation, provision water butts and electric vehicle charging points; are minor works which would not undermine the appearance of the building or, be detrimental to the character of the surrounding area.

Residential Amenity and Standards

22. Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 states, amongst other things, that planning policies and decisions should ensure that developments:

“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

23. The proposal raises no amenity impact issues. The proposed residential use conforms to the surrounding uses and the proposed external alterations would not have any adverse impact on the living conditions of the neighbours.
24. In accordance with policy HOU12 and national guidance, the internal layout and floorspace disposition of the proposed dwellings meet the set standards. The stacking arrangement between the proposed flats would also be acceptable, with the first floor flat layout being similar to the ground floor flat layout. Furthermore, each flat has 60 minutes fire separation and the section drawing indicates a sound insulation system will be introduced to the flooring and underside to the ceiling that will reduce sound transmission. Overall, it is considered that the relationship between the 2 flats would be acceptable and would not lead to impact on any residential amenity for future occupiers.
25. The property benefits from a 13.5m deep rear garden and small front garden area which will be shared between the two units. While in this supported tenancy, the housing support team have advised that the tenants will have joint responsibility for keeping the garden in good order, mowing the grass etc. and encouraged to behave in a tenant like manor, taking responsibility for taking care of the property and putting out the rubbish/bins. In order to ensure that the front and rear facing habitable rooms of the ground floor flat would be afforded with appropriate levels of privacy, it is considered that defensible spaces (immediately outside of the front facing bedroom window and rear facing lounge and kitchen windows of the ground floor flat) should be provided by suitable landscaping which could be secured by way of a condition. The residual external amenity space suffices for the 2 non family units which are for single persons and are therefore satisfactory and in accordance with policy HOU15.

Parking Provision and Highway Safety

26. Policy TRA3a of the Local Plan requires one off-street car space for 1- bedroom dwellings. The site currently provides two off road spaces. No changes are proposed to the existing historic parking and access arrangement and as such the proposal would be policy compliant.
27. As with other such schemes in the Borough (such as the previously mentioned applications at Beaver Road, Warwick Road and Hurst Road), it is important to realise that off-street parking provision is not considered a necessity for the

proposed flats which are intended to cater for former rough sleepers who have very few possessions and highly unlikely to have a car. However, it is considered appropriate to condition the retention of the shown car parking spaces to ensure that the flats would be provided with acceptable car parking provision in accordance with policy requirements, if such parking provision is required for the flats in the future.

Other Matters

28. The site is located within the Stour catchment. The Council received advice from Natural England (NE) in respect of the nationally and internationally designated protected sites at Stodmarsh lakes, east of Canterbury. This relates to an increased level of nitrates and phosphates within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
29. The development proposes to convert the existing dwelling into new accommodation. The existing dwelling is a 3-bedroom house, which in accordance with the Natural England methodology, is assumed to have an existing occupancy of 2.4 persons.
30. The proposed development would result in the creation of two single occupancy flats. Given that the proposed flats are intended for single occupancy, it is considered that the standard occupancy value of 2.4 persons per dwelling is not appropriate for the type of accommodation proposed and that assuming an occupancy value of 1 person per flat would be more appropriate. Again, this is the approach taken with the similar applications at 240 Beaver Road (22/00569/AS), 15 Warwick Road (PA/2023/0218) and 36 Hurst Road (PA/2023/0225).
31. The proposed development would convert an existing dwelling into 2 self-contained flats for single occupancy. Subject to the imposition of a condition restricting the occupancy of the units to one person per flat, the scheme does not result in any increase in net population within the Stour catchment. Consequently, there would be no net increase in nutrients generated from the proposed use. Additionally, there is no land use change associated with this application, given that the site is an existing residential site. Consequently, there would be no net nutrients generated from the surface water/land use change.
32. Under the Council's Constitution, the Assistant Director of Planning & Development, in his capacity as Competent Authority has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft Appropriate Assessment (AA), consulting Natural England (NE) upon it, and amending and/or adopting it after taking into account NE's views.

33. Although an AA has not been agreed by the LPA at this stage, this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions including, the single occupancy condition). The fact that this current application would not lead to an increase in population and nutrients at the site is similar to other approved schemes within the Borough which have had AA's agreed. It is recommended that a resolution to grant planning permission should 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 Stodmarsh Lakes (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 any necessary mitigation is in place.

Human Rights Issues

34. 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

35. 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

36. As mentioned above, there is no specific policy objection to the conversion of larger dwellings into smaller units in the adopted Local Plan. Neither are there compelling housing needs that support the retention of large homes in this part of the Borough. Nonetheless, the proposal complies with the relevant Local Plan policies in relation to design, residential standards, parking / highway safety and amenity impact. For the reasons set out above, the proposed development is satisfactory and therefore recommended for approval.

Recommendation

Permit

- A. Subject to an Appropriate Assessment under the Habitats Regulations being 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 where appropriate 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. Single person occupancy condition
4. Materials in accordance with the submitted details
5. Retention of parking spaces
6. EV charging points
7. Landscaping details of the front and rear amenity spaces
8. Boundary treatment and fencing / wall details

Notes to Applicant

1. Working with the Applicant
2. List of plans/documents approved
3. Construction practices (including hours of construction, avoiding burning of controlled waste, and minimising dust emissions)

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council website (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/20231328

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