

<b>Application Number</b>	19/01109/AS	
<b>Location</b>	Pony Park, Canterbury Road, Challock, Ashford, Kent, TN25 4DL	
<b>Grid Reference</b>		
<b>Parish Council</b>	Challock	
<b>Ward</b>	Downs West	
<b>Application Description</b>	Outline application for the erection of three dwellings to consider access and layout at this stage with all other matters reserved for future consideration.	
<b>Applicant</b>	Mrs Brown	
<b>Agent</b>	Ms J Norris, The Rural Planning Practice	
<b>Site Area</b>	0.2943 ha	
(a) 8/2R 1+ 1S	(b) Challock R	(c) POS + KCCE + KH&T X

## Introduction

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

## Site and Surroundings

2. The application site is located within the parish of Challock and comprises the garden of Pony Park, a detached dwelling with associated workshop and stables, located within substantial grounds on the northern side of the A252 Canterbury Road. Falling outside of the built up confines of the village settlement, the site is within the countryside and the North Downs AONB and, lies adjacent to High Snoad Wood, a designated and protected ancient woodland.



**Figure 1: Site Location Plan**

## **Proposal**

3. Outline Planning Permission is sought for the erection of three dwellings with access and layout to be considered at this stage. Indicative plans submitted with the application indicate the proposed dwellings would be one and a half storey and would be constructed perpendicular to the road, in a row within the existing garden, west of the main dwelling. Access is proposed off the existing entrance and driveway.

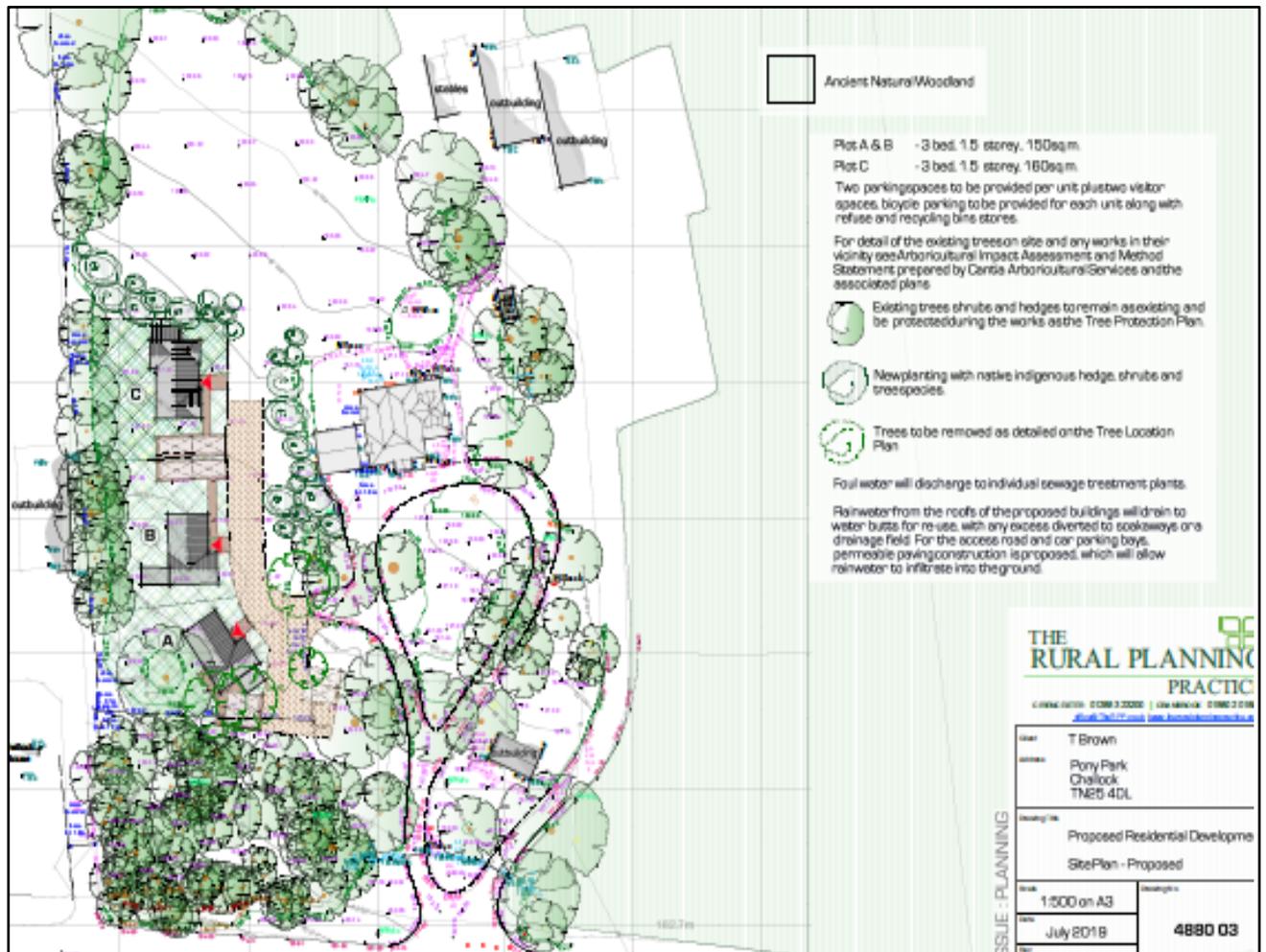


Figure 2: Proposed Site Plan

## Planning History

DC	OA	15/00306/AS	Outline application for the demolition of existing stables and warehouse unit and construction of 2no. detached dwellings	REFUSED
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## Consultations

**Ward Member: Cllr Krause** has called this application in on behalf of the applicant because of the length of time the application has been in.

**Challock Parish Council:** Do not support this application.

Object based upon previous submissions/parish meetings. They applied for quite a few previously under the omission sites and was only meant to have two, also the ancient woodland needs protecting. The Parish Council sympathises with the developer if they wish to build houses for their families and normally would support but due to the area and location the ancient woodland needs to be protected. Originally 9 hectares of woodland has now been reduced to under 2.9 hectares.

Outside of the village confines and is not near to or adjoining under the HOU5 policy.

**KCC Highways:** Do not wish to comment

**Parks and Open Spaces:** Makes the following comment

The application states that bins will be taken to a communal collection point within 25m of the highway so there would be no need for vehicles to access the development, so no requirement for an indemnity exists.

**KCC Biodiversity:** Additional information is required

Clarification of any impacts upon roosting bats due to the presence of a tree with moderate bat potential

**[OFFICER COMMENT:** The proposal does not seek removal of the tree identified as offering moderate suitability for roosting bats. No roosting bats were identified and the submitted ecological survey states that no further surveys are necessary but does recommend consideration is given to external lighting. In view of the ecologist's conclusions, no further information is required}]

**Neighbours:** 8 neighbours consulted 2 letters of objection received stating the following:

- Site lies outside the current locally agreed village confines and also the proposed confines.
- Development outside this boundary would set a worrying precedent.
- Development lies adjacent to ancient woodland which supports endangered species such as dormice, bats and slow worms. Any disturbance close to this important habitat causes problems for the wildlife.
- All hedging should be retained.
- Village population has grown by around a third over past few years. A hold on building should be considered. Too many new houses have been built in Challock.
- Infrastructure remains the same with no gas or mains drainage, erratic broadband and an oversubscribed primary school.
- Need affordable housing for local people with young families.

**1** letter of support received

- Support the idea of building new houses on the site although we would much prefer to see the scheme amended so that the house closest to Canterbury Road does not have any windows looking towards our home.

**1** general comment received stating the following

- Broadly supportive of the principle.
- Concerned over the siting/proximity of the proposed dwellings to the adjacent industrial site adjacent which has an established use for vehicle dismantling and repairs.
- Potential implications for the residential amenity of any future residents.
- Further thought should be given to the site plan.

## **Planning Policy**

4. 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) and the Kent Minerals and Waste Local Plan (2016).
5. 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).
6. The relevant policies from the Local Plan relating to this application are as follows:-

### **Ashford Borough Local Plan to 2030**

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU5 – Residential Windfall Development in the Countryside

HOU10 – Development of Residential Gardens

HOU12- Residential Space Standards Internal

HOU15 - Private External Open Space

TRA3a - Parking Standards for Residential Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV5 – Protecting Important Rural Features

ENV9 – Sustainable Drainage

### **Supplementary Planning Guidance/Documents**

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies

### **Government Advice**

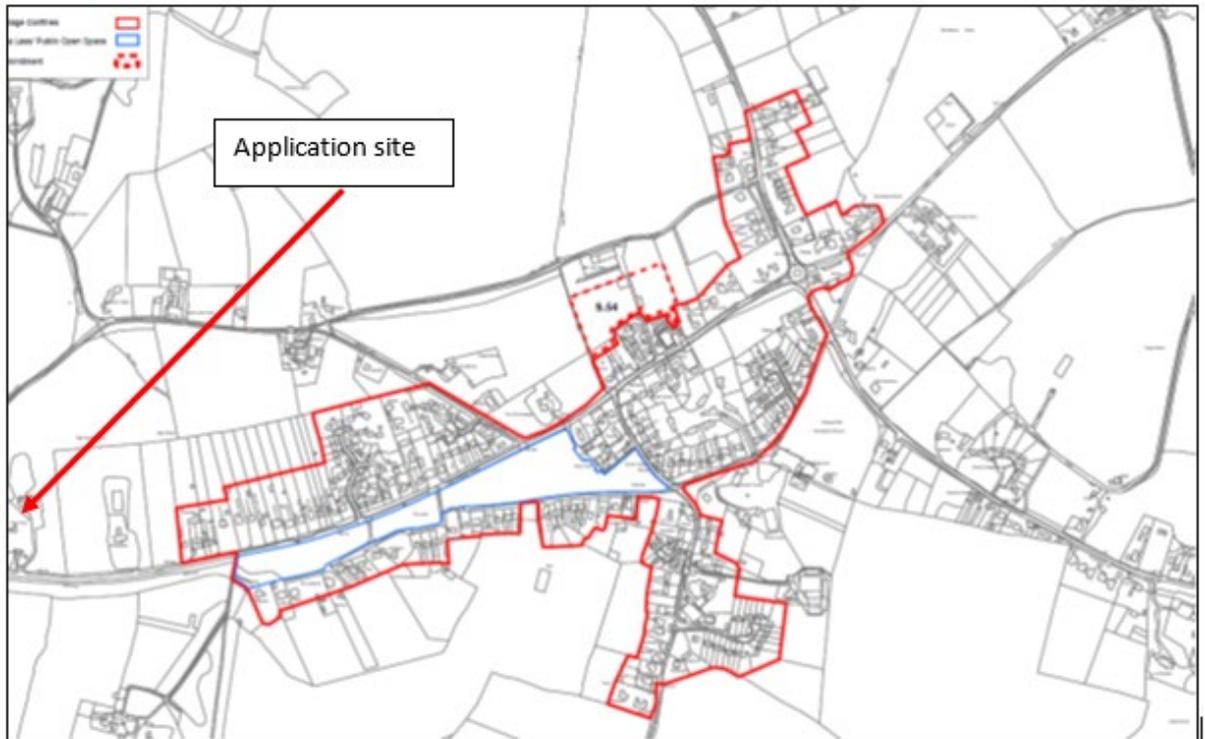
#### National Planning Policy Framework (NPPF) 2019

7. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.
8. National Planning Policy Guidance (NPPG)

## Assessment

### Principle / Sustainability

9. The application site is an unallocated site in the countryside falling outside of the village confines. The proposal therefore represents residential windfall development in the countryside which is assessed under policy HOU5.
10. Policy HOU5 is set out in two sections:
  - Proposals for residential development adjoining or close to the existing built up confines of specified (sustainable) settlements; and
  - Residential development elsewhere in the countryside.
11. The policy provides a list of settlements which are considered capable of accommodating some additional housing development, subject to a number of criteria being met. Challock is included in this list. Whilst it is noted that the site does not adjoin the village, it is close by, within 400m of the defined settlement edge. The village confines for Challock were drawn up by the Parish Council in conjunction with ABC. The preamble to policy HOU3a states they are a material consideration in the determination of planning applications. Figure 3 below identifies the site and the built confines of Challock.

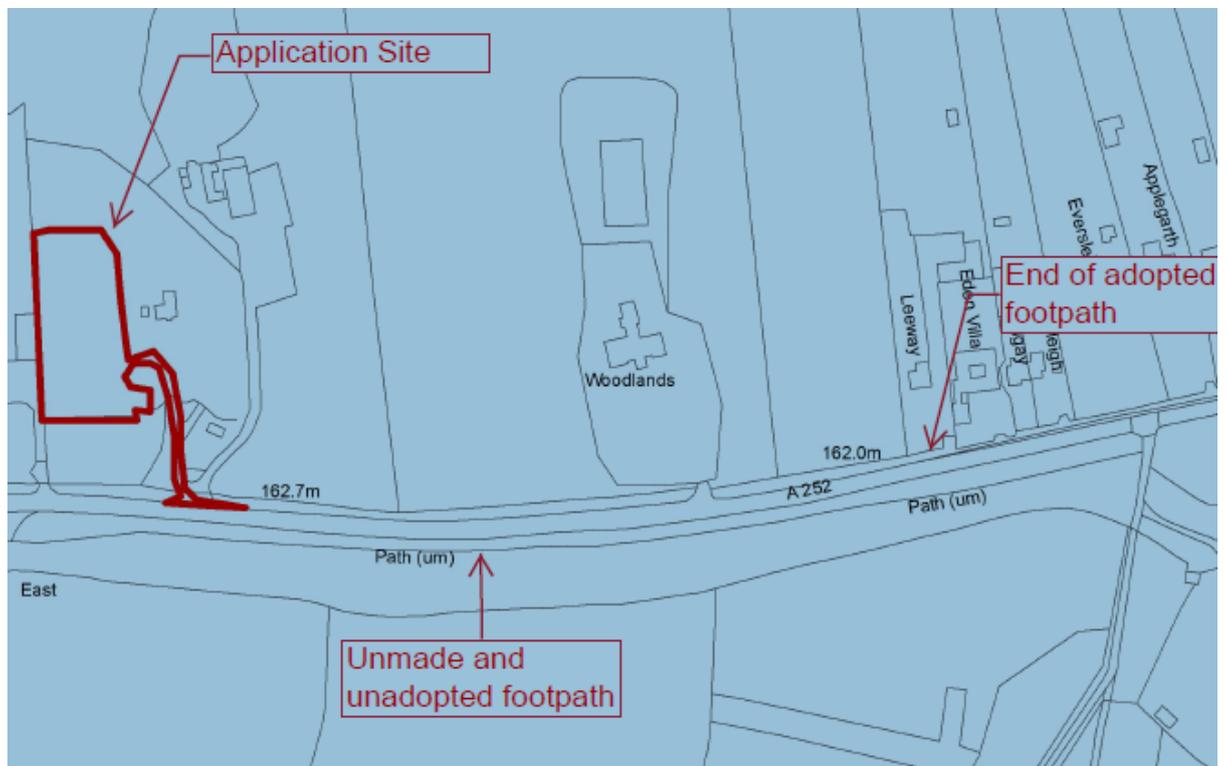


**Figure 3: Built confines of Challock**

12. Policy HOU5 states that proposals for residential development close to the existing built-up confines of the settlement will be acceptable provided it meets all the criteria set out in the policy. The criteria is as follows:
- a) *The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;*
  - b) *The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;*
  - c) *The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;*
  - d) *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;*
  - e) *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,*
  - f) *The development (and any associated infrastructure) is of a high quality design and meets the following requirements:*

- i. it sits sympathetically within the wider landscape*
- ii. it preserves or enhances the setting of the nearest settlement,*
- iii. it includes an appropriately sized and designed landscape buffer to the open countryside,*
- iv. it is consistent with local character and built form, including scale, bulk and the materials used*
- v. it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
- vi. it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

13. The pertinent criteria of the above in respect of this application are assessed in the remainder of the report. Criterion (b) requires that the site is within easy walking distance of basic day to day services in the village and criterion (d) that the development is located where it is possible to maximise the use of public transport, cycling and walking to access services.
14. The proposed dwellings would be located approximately 1km west from the village shop and post office, 1.6km from the village school and 2km from the village hall and recreation ground. There is no bus service nearby and no other public transport facility available. Access to the shop, school and recreation ground is via Canterbury Road, a busy A-road with no street lighting and traffic speeds of 50 mph. Whilst there is a footpath, this lies opposite the entrance to the site and is unmade and un-adopted. It would also require occupants to cross this busy classified road. The main footpath stops outside Leeway, approximately 300m east of the application site. See Figure 4 below.



**Figure 4: Footpaths in relation to site**

15. Considering the distances to the village facilities and the lack of suitable and easily accessible footways, the future occupants of the proposed dwellings would be heavily reliant upon private vehicle use to meet their basic day-to-day needs such as a grocery shop, play/community facilities, and schools. Whilst the drive to the village may be relatively short in length, the need for making such journeys in the first place is likely to be frequent given the location of the site and that the proposal seeks housing capable of accommodating families. The proposal would therefore be contrary to the first section of HOU5 in that it is not considered a sustainable or suitable location for new housing (criterion b and d).
16. There have been recent permissions within the vicinity of the site but these fell within the Village confines pilot study that was drawn up by the Parish Council in association with ABC and approved by cabinet. This has now been superseded by the current confines map and thus represents a material change in circumstances.

### **Visual Amenity**

17. In respect of visual amenity, Criterion f) of policy HOU5 requires new development amongst other things to be of high quality and to sit sympathetically within the wider landscape. This is supported by policies HOU10 and SP6 which seek good design and consideration of local character.

This is consistent with the NPPF which seeks development which adds to the overall quality of the area as a result of good architecture, layout and appropriate and effective landscaping.

18. The proposal is in outline form with access and layout for consideration at this stage. The layout plan is shown in figure 2 above. The proposal would have a significant impact upon the character of the surrounding landscape resulting in a development that is neither consistent with nor preserves the existing and prevailing grain and built pattern of development.
19. The site is located to the north of Canterbury Road (A252) on the village periphery. Development at this western edge of the village is sparser characterised by frontage development on large spacious plots with gaps in between allowing for views of fields and woodland beyond. Whilst there is a cluster of development to the west of the site, which centre on the junction of Green Lane and Westwell Lane; the character of the application site and its surroundings is typically rural. With substantial breaks in built form, it is removed from the main village and signals the transition to countryside with a decrease in the extent of the building, and natural landscape features being the dominant physical forms rather than the built form.

By virtue of its proposed density and layout the proposed development would fail to respect the established pattern and grain of development and would appear as an incongruous form of development within the countryside / AONB. Policy ENV3b and the NPPF affords the highest level of protection to the AONB and resists development that fails to conserve or enhance it. For the reasons set out above it is considered that this test is not met.

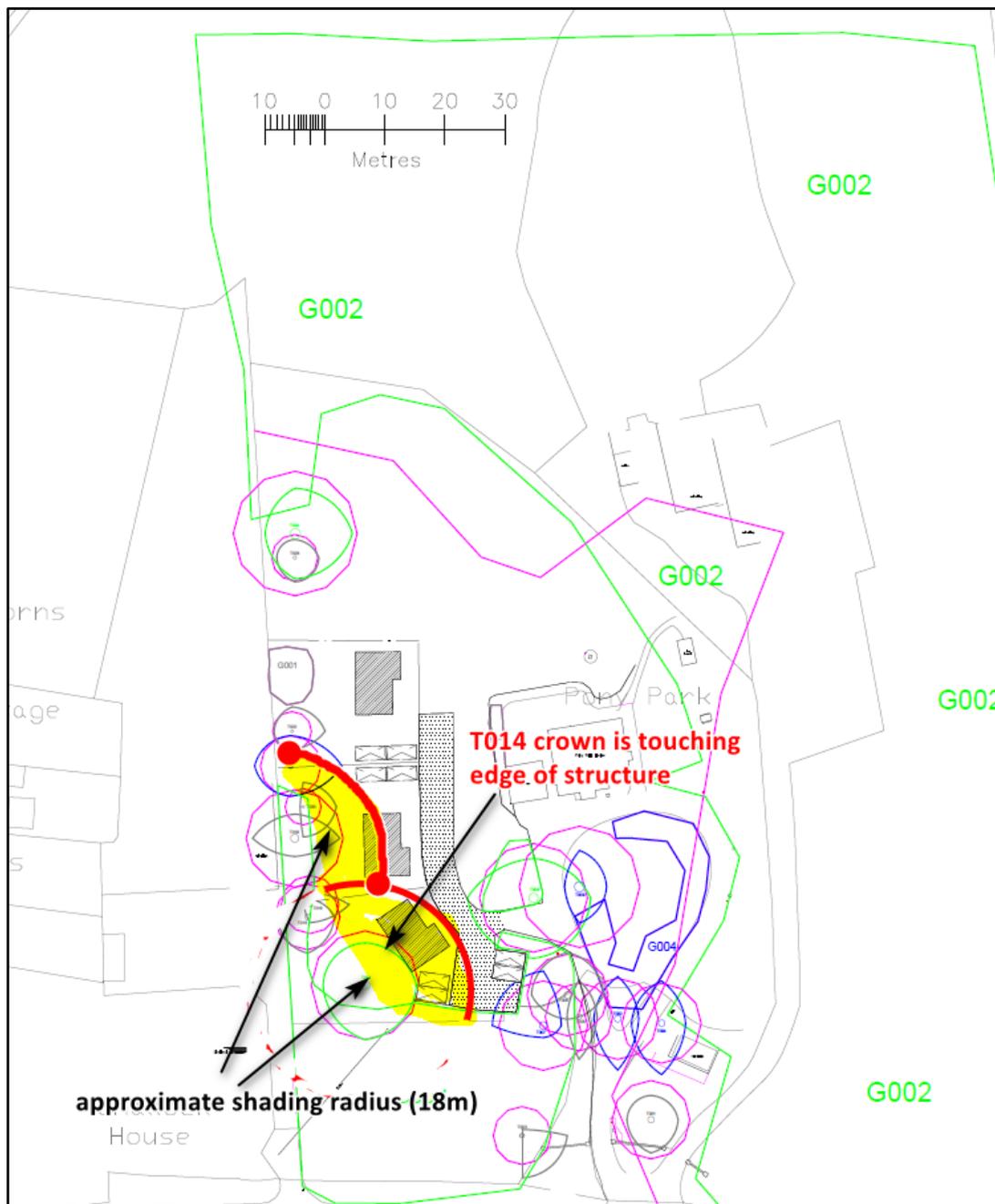
20. Although the site is afforded a high level of screening, the development would still be visible in winter months and landscaping, whilst it can help soften new development, is not reason to approve a development that is otherwise unacceptable.
21. In light of the above, the development would be at odds with the important and established character of the rural edge, to the detriment of the setting of the village, the AONB and contrary therefore to policies HOU5, HOU10 and ENV3b.

### **Residential Amenity**

22. Policy SP6 promotes high quality design and states that development proposals must demonstrate careful consideration of and a positive response to, amongst other things, liveability. This is consistent with advice contained within the NPPF which advises that new development should create places that are safe and which promote health and well-being, with a high standard of amenity for future users (para.127 (f)).
23. The site area proposed for the new dwellings would provide enough space so that new buildings could be located away from the existing buildings to mitigate

harm to future and existing occupiers. The illustrative site plan shows that the development would be set back from the site boundaries to allow for existing vegetation to be retained. Furthermore, given that the majority of the neighbouring properties have large gardens, consistent with the character of the rural edge of the settlement, no overshadowing and/or overlooking would be caused.

24. In terms of the future occupiers of the development, the indicative layout indicates that a good standard of amenity with regard to external space that would be provided for plot C. However the external space proposed to be provided for Plots A and B would be significantly compromised by a large Oak which lies in the south west corner of the site. (See Figure 5 below). The shade cast from this tree would significantly reduce the amount of sunlight within the proposed garden, to the detriment of the amenity of the future occupiers and contrary to policy HOU15 (Private amenity space). Such conflict would be likely to lead to pressure to reduce or fell the tree which for the reasons set out below would not be acceptable.



**Figure 5: Tree Shade Radius**

### Trees

25. The submitted Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) confirms that one of the proposed dwellings (Unit A) will be within the Root Protection Area of an existing Oak Tree (T014) as shown in the plan above. No 'overriding justification' (as per BS5837:2012 Trees in relation to design, demolition and construction. Recommendations) has been made within the submitted AIA and AMS and to site the proposed dwelling so

close to large established trees, leaving no room for growth, and potential for root damage is unacceptable. Tree T014, will require room for growth and separation distance from the proposed structures. Given the site is within the AONB where the highest protection is afforded to the landscape, and the most affected tree is identified as a Category A specimen, and therefore of a high quality and visual importance, this is not acceptable and contrary to policies ENV3b and ENV5 of the Local Plan. The visual harm already identified would be exacerbated as a result.

### **Ecology**

26. The site forms part of the garden of Pony Park a regularly maintained lawn, an ecological assessment of the site has been provided and concludes that no further work is required for great crested newt, reptiles, dormouse, badger and bats. No harm to protected species would therefore be caused.
27. It is noted that the submitted ecological report has outlined that an oak tree has moderate roosting potential for bats in accordance with best practice guidelines. However, given it not proposed to remove this tree nor any part of the surrounding woodland, no harm to bat roosts would be likely to be caused.
28. On balance, the proposal is acceptable in regard to its ecological impact. If Members are minded to approve the application ecological enhancements should be sought as a condition of any approval, as well as measures to protect trees during construction.

### **Highway Safety**

29. Policy TRA7 states that development that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that new accesses onto the road network will not be permitted if a materially increased risk in accidents or traffic delays would be likely to result. The NPPF also states that development should ensure that a safe and suitable access can be achieved for all people.
30. The proposal is for three dwellings and the proposed access is existing. The number of vehicle movements associated with the development would not result in a significant intensification in the use of the existing access which would be detrimental to highway safety. Parking space for each dwelling is proposed to be provided in accordance with the Council's adopted Residential Parking Standards (Policy TRA3a). Overall, the proposal would not result in a development which is detrimental to highway safety and criteria c) of policy HOU5 is met.

### **Other Criteria of HOU5**

31. It is considered that all other criteria are satisfied. Other than those referred to above where it states they have not been met.

### **Human Rights Issues**

32. 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**

33. 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**

34. For the reasons stated above the site is not considered to be within a sustainable or suitable location. The proposed layout also fails to respect that of the surrounding area and would cause unacceptable visual harm and would neither conserve nor enhance the AONB landscape.
35. The proposal would result in a poor standard of amenity for the future residents of Plot A and B with the proposed garden overshadowed by an existing Oak.
36. No 'overriding justification' has been made to site the dwelling within the RPA of this tree. The development would impact upon the longevity of this tree and would likely lead to future pressure for a crown lift or to remove the tree compounding the visual harm identified.

## Recommendation

### Refuse on the following grounds:

1. The proposal is contrary to Policies SP1, SP2, SP6, HOU5, HOU15, and ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:
2. The proposed scheme, which lies outside of the built confines of any identified town or village, with no overriding justification having been submitted, would give rise to an unnecessary and unsustainable form of development which would fail to satisfactorily integrate with the prevailing grain and pattern of built development to the detriment of the character and appearance of the surrounding area and the AONB. The proposal would consolidate the loose built form of development in the area, causing unacceptable visual harm to the character and appearance of the countryside and approach into the village, contrary to the core principles of the Local Plan and the NPPF which seeks to promote sustainable development in rural areas which is sympathetic to its surroundings.
3. No overriding justification has been made to build within the RPA of an existing semi-mature Oak Tree (category A) in the south west corner of the site. Therefore, the development would likely cause unacceptable root damage. The proposed development would also give rise to future pressure for the crown lifting / removal of this Oak tree as well as significant pruning, undermining its aesthetic value and diminishing its longevity. The tree is of high amenity value and this would be undermined by the proposed development to the detriment of the character and appearance of the surrounding area and the AONB.
4. The proposed development by virtue of its layout, and proximity to an Oak Tree, would fail to provide a garden of adequate usability for plots A & B by virtue of the tree overshadowing it and appearing overbearing and oppressive. This would be unacceptably detrimental to the residential amenity of the future occupiers of these properties.

## **Note to Applicant**

### **1. Working with the Applicant**

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application,
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed how the proposal did not accord with the development plan, and that no material considerations are apparent to outweigh these matters and was provided the opportunity to provide further justification in support of it.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01109/AS)

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