

Application Number	19/00505/AS	
Location	Greenacres Farm Fishery, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH	
Grid Reference	584271, 138434	
Parish Council	Biddenden	
Ward	Biddenden	
Application Description	Erection of temporary bailiffs cabin and siting of 4 holiday lets	
Applicant	Greenacres Farm Fishery	
Agent	Mr Simon McKay, SJM Residential Limited	
Site Area	650 sqm	
Initial consultation		
(a) 15/15R/7S	(b) X	(c) Rural Planning Ltd X
Second consultation		
(a) 15/14R/3S	(b) -	(c) Rural Planning Ltd X
Final consultation		
(a) 15/6R/1S	(b) -	(c) Rural Planning Ltd X

Introduction

1. The application was deferred from the 19 August 2020 Planning Committee due to concerns about the reasonableness of the recommended conditions 09, 10 and 11 in relation to movements to and from the site from both the holiday let and the bailiffs cabin. These conditions have since been removed and the report has been updated accordingly.
2. The application is reported to the Planning Committee at the request of the Ward Member, Councillor Neil Bell.

Site and Surroundings

3. The site is located on the northern side of Sissinghurst Road (A262) and is accessed between the properties known as Greenacres Farm and Nithdale.

The site is located in the parish of Biddenden although it falls outside the built confines of the village. A site location plan is shown at Figure 1.

4. The site is surrounded by open countryside to the north, east and west and is in the Biddenden and High Halden landscape character area. The site is enclosed by hedgerows and trees and also includes extensive tree planting. To the south is the boundary to the rear of the properties along the northern side of Sissinghurst Road.
5. The site itself is an established fishery business with 4 large ponds that was granted temporary permission on appeal in 2004 (Ref: 04/01235/AS). Permanent permission was granted in 2007 (Ref: 07/00190/AS) with further permission granted in 2007 for the erection of a toilet block and barn for use as a tackle shop and tea room (Ref: 07/01495/AS).
6. A condition was attached to planning permission 07/00190/AS which limits the number of anglers using the site to no more than 30 in a 24 hour period. A further condition was also attached to this permission which prevents entrance to/exit from the fishery outside the hours of 0700 and 1900.
7. In 2015 a new amenity block and retail space was approved at the site following fire damage to previous existing buildings.
8. There are two Public Rights of Way (PROW) adjacent to the site (AT7 and AT8).

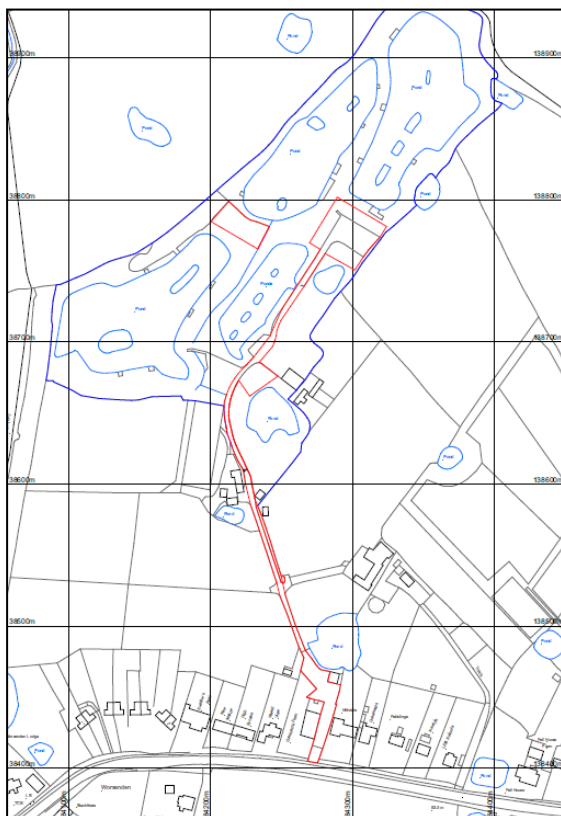


Figure 1 – Site location plan

Proposal

9. Full planning permission is sought for the erection of a temporary bailiff's cabin and 4 holiday lets.
10. The proposed bailiff's cabin would provide accommodation for the fisheries manager and family whilst also providing an office for the running of the business. The proposed cabin would measure 6.6m in width, 10.4m in depth and 5m in height to the ridge level. The proposed cabin would include an open plan kitchen/dining/living area, one double bedroom, one single bedroom and a bathroom. The siting of the proposed cabin also allows for a small residential curtilage to be created without extending beyond the natural boundaries of the site.
11. The location of the proposed cabin has been amended under the current proposal to be adjacent to the existing amenity block at the site. The positioning was originally proposed further to the south opposite an existing stables and sand school to the rear of Greenacres Farm. A block plan showing the location of the proposed cabin is shown in Figure 2 and the proposed elevations are shown at Figure 3.
12. The proposed holiday lets would have a curved design and would measure 3m in width, 4m in depth and 2.49m in height to the ridge level. The proposed camping pods would be made from natural certified Nordic pine/Scandinavian spruce. The holiday lets would be discretely sited around the site in order to minimise their visual impact and diminish noise impacts around the fishing ponds. It is not anticipated they would accommodate tourists other than those engaged in angling pursuits, although there may be some individuals or small families who wish to stay and enjoy the lake environment.
13. The design and overall number of holiday lets has been amended under the current application, from that previously submitted. The design has been altered to a 'camping pod' style and the number of holiday lets has been reduced from 7 to 4. A block plan showing the location of the proposed holiday lets across the site is shown in Figure 4 and elevations are shown at Figure 5. An aerial photo is also shown at Figure 7 under the 'Visual Amenity' section of the report.
14. The applicant seeks to grow the business in a sensitive manor. The proposed bailiff's cabin would specifically allow for the long term financial security of the enterprise, through having an on-site manager. The applicant has confirmed that the proposal does not seek to alter the existing hours of use and operation of the gate at the site for anglers.



Figure 2 – Proposed block plan – bailiff's cabin



Figure 3 - Proposed elevations – bailiff's cabin



Figure 4 – Proposed block plan – holiday lets

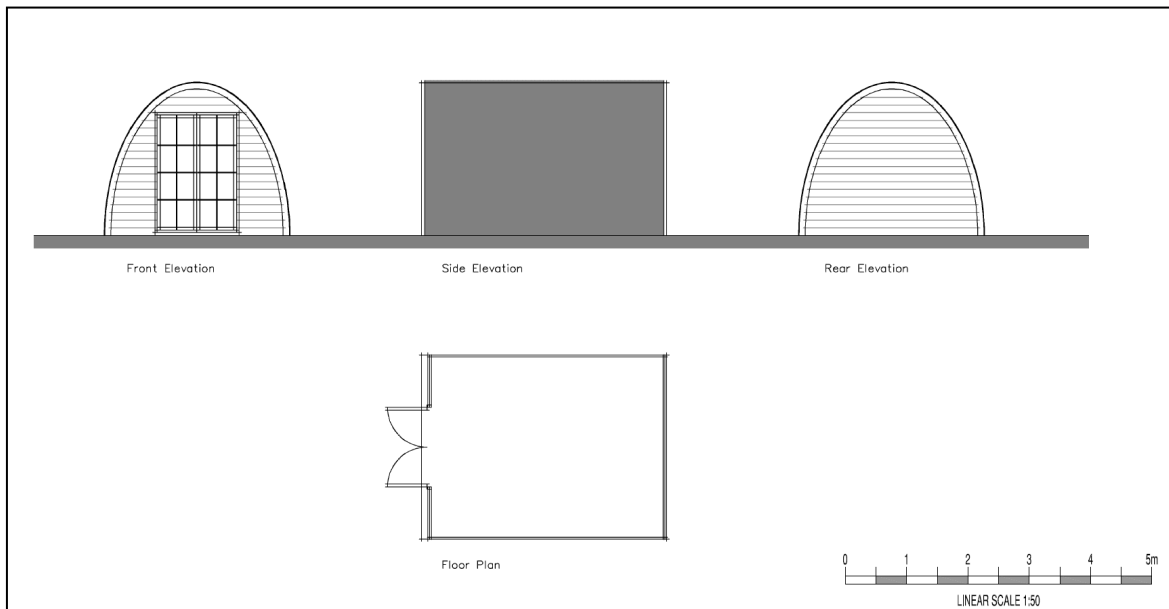


Figure 5 - Proposed elevations - holiday lets (camping pods)

15. In support of the application the following documents have been submitted:

- Preliminary Ecological Appraisal (Iceni Ecology Ltd, dated November 2018), which concludes the proposed development would be unlikely to adversely impact any designated areas, protected species or habitats, provided the recommendations are followed within the report. A number of enhancements are recommended with respect to the overall biodiversity of the site.

Planning History

04/01235/AS – Part retrospective planning permission **refused** for enlargement/creation of fishing ponds, clubhouse with showers/toilets, car park and new landscaping in relation to a fishing club. This application was refused on the grounds that the increased use for a commercial purposes would result in intensification of its use which would result in unacceptable levels of noise and disturbance to adjacent residents. Temporary planning permission was **allowed** at appeal with restrictive conditions over the numbers of anglers (no more than 30 in any 24 hour period) and the access times for the site (7am – 7pm only).

04/02187/AS – Part retrospective planning permission **refused** for enlargement and creation of fishing ponds, provision of toilets/showers/tearoom and car park. This application was a resubmission of 04/01235/AS whilst the appeal was being considered and was refused for the same reasons.

07/00190/AS – Planning permission **granted** for enlargement/creation of fishing ponds, clubhouse with showers/toilets, car park and new landscaping, in relation to a fishing club. This application sought to remove the temporary one year consent condition granted at appeal.

07/01495/AS – Retrospective planning permission **granted** for erection of (single storey) toilet/shower block and erection of (two storey) barn for use as tackle shop and tea room.

15/00449/AS – Planning permission **granted** for erection of a single storey building to be used as amenity space and a single storey building to be used as retail space in connection with fishing business. This application related to new buildings at the site following fire damage.

18/01714/AS – Planning application **withdrawn** for erection of new bailiff's cabin and siting of holiday-let pods on site.

18/01717/AS - Planning permission **refused** for variation/removal of conditions 4 and 5 of 15/00449/AS relating to limitations of hours of use of the access and amenity buildings on the site. This application was refused on the grounds of loss of

residential amenity due to potential noise and disturbance from unrestricted use and access of the site.

Consultations

Ward Member: Requests that the application is reported to the Planning Committee.

Biddenden Parish Council: Objects on the following grounds:

- The access is unsuitable for increased usage;
- Increased traffic to/from the site would impact neighbours;
- The time restrictions detailed in refused application 18/01717/AS still apply;
- Existing restrictions would have to be lifted in order to allow access to holidaymakers/fishermen/residents of the bailiff's cottage in the evenings and this would impact neighbours. This would be detrimental as stated in the decision notice for refused application 18/01717/AS and would be contrary to the conditions imposed in 15/00449/AS;
- People using the holiday lets will not wish to be restricted by the times imposed on the site for the protection of the residential amenity and these structures will lead to breaches of the planning condition;
- An Enforcement Notice (Ref: EN/10/00090) has already been issued at the site in March 2010 regarding breach of Condition 3 (restricted access);
- There is not an identified need in the southeast or Biddenden itself for additional self-serviced holiday accommodation as there are many holiday lets available.

Rural Planning Ltd: There is now more specific supporting information regarding this proposal, concentrating on future plans (rather than past results), and including the use of an existing stock pond for home production of fish on a commercial scale. In particular I note that the applicant is prepared to accept that the proposed bailiff's accommodation, being a mobile log cabin, could be subject to a temporary consent. This approach would enable the applicants to develop the business in the way set out, whilst allowing the Council to review, in due course, the extent to which the venture achieves its predicted financial targets and is shown to be viable. On this basis I consider the scheme, if approved, would meet the usual requirements in terms of there prospectively being an essential need for a rural worker to reside on site for the development and proper management of the fishery and holiday lets, and that the scheme has been planned on a sufficiently sound financial basis.

Neighbours: 15 neighbours were initially consulted about the proposal. 35 letters of objection have been received in total with the following comments:

- Over-development of the site
- Back land residential development
- This is not a residential site
- Holiday lets are a complete change of use and would create an undesirable intrusion in the area
- The site will become a holiday complex
- Increased traffic along the track
- Impact on surrounding landscape
- Increased noise and disturbance
- Noise from Bloomsburys is already unacceptable
- The village has an abundance of holiday lets, caravan parks and the like
- Increased light pollution
- Poor design [**DMM comment:** *The applicant has confirmed the bailiff's cottage is of a functional, simple design that can be erected without great cost – something which is a key consideration in the financial aspect of the business plan*]
- Development should be directed toward more sustainable locations
- Fish farms of this size do not need 24 hour on-site care and maintenance and the site has operated successfully for many years without such need [**DMM comment:** *The applicant seeks for the business to be profitable whilst allowing its sensitive growth on the site*]
- No fishing lakes in the area have a bailiff's cottage [**DMM comment:** *The applicant has confirmed that there are other fisheries outside the Borough that are comparable in size and have a bailiff's cottage such as Mousehole Fishing Lakes (East Peckham) and Pitlands Fishing Lakes (Horsmonden). This latter site also includes holiday lets*]
- The justification for on-site accommodation is exaggerated
- The business could have a day shift and night shift – it does not need a bailiff's cottage
- The reduction in the number of holiday lets to 4 would reduce further the need for a bailiff's cottage
- Holiday lets are unnecessary for a fishing business to survive
- Confused business plan as to why you would holiday at a fishing lodge unless you were an angler?
- Close proximity of bailiff's cottage to a stable yard where there are competition horses [**DMM comment:** *The location of the proposed bailiffs cabin has now moved further north adjacent to the existing amenity block*]
- The bailiffs cottage is on land where the neighbour has right of access [**DMM comment:** *The location of the proposed bailiffs cottage has now been moved further north adjacent to the existing amenity block*]
- Fishing lakes always have restrictions and locked gates [**DMM comment:** *The existing conditions for anglers will continue to apply*]
- If the hours of access are changed it will impact the neighbour's amenity [**DMM comment:** *The applicant has confirmed the current planning application does not seek to alter the existing hours of use and operation of the gate for anglers. Whilst the holiday lets and bailiffs cabin would not be subject to the existing restrictions, it is considered the overall number of associated movements would be within acceptable limits*]

- The fisheries are only officially open for daylight hours but will access after 7 p.m. be denied to people staying in "holiday lets"?
- On-going concerns as to how the access restrictions for customers during the night will be applied/maintained and implemented for this development?
- How can you apply for the holiday lets without amending the hours of access to the site?
- Application 18/01717/AS has already been refused [**DMM comment:** *This partly related to the removal of the condition restricting access to the site. The applicant has confirmed the current planning application does not seek to alter the existing hours of use and operation of the gate for anglers*]
- Benefits to local business will be limited due to the access restrictions
- There has been issues of fast food deliveries after hours [**DMM comment:** *It is recommended that a management plan be imposed by way of a planning condition in relation to the running of the overall business*]
- How are they going to manage the expectations of fishermen who book this accommodation and find they cannot use local amenities at night due to the access restrictions?
- The restriction of access condition (between 19.00 and 07.00) was interpreted to mean no customers of the site during these hours as well [**DMM comment:** *Condition 3 of application 04/01235/AS, which was allowed at appeal, was specific in relation to restricting hours in terms of entrance to, and exit from, the site. This did not state that people could not be on the premises between these hours*]
- The original permission never intended to allow 24 hours fishing [**DMM comment:** *The hours of operation of the fishery has never been restricted or controlled by any conditions from previous planning decisions*]
- Security concerns regarding unrestricted 24 hour access and use [**DMM comment:** *The hours of operation of the fishery has never been restricted or controlled by any conditions from previous planning decisions*]
- Security concerns as people have been removed from the stable yard and the fields due to disregarding notices of 'private property'
- The buildings will be visible from the rear of Weald View House [**DMM comment:** *The proposed development would be single storey in nature and set back well within the site*]
- Overlooking of Weald View House [**DMM comment:** *The proposed development would be single storey in nature and positioned more than 200m away from this property*]
- Loss of view at Worsenden properties [**DMM comment:** *Loss of view is not a material planning consideration. The proposed development would be single storey in nature and positioned more than 200m away from this property*]
- Concerns regarding access for emergency vehicles
- How would a child living at the bailiff's cottage attend out of school activities given the restricted hours?
- Work has already started on site including campervans
- The existing access is in a poor state and cannot cope with more vehicles
- Cars speed along the access track which is dangerous
- Impact on privacy and well-being due to cars passing close by to neighbours houses

- How will drainage be connected [**DMM comment:** *This matter could be dealt with by a planning condition*]
- Sewage - will this be mains sewage and or septic tanks? [**DMM comment:** *This matter could be dealt with by a planning condition*]
- The pods have no detail on the sanitary arrangements [**DMM comment:** *It is understood that whilst the amenity block is locked between the hours of 07:00 to 19:00, there is an informal arrangement in place with anglers whereby access can be gained if required to use toilet facilities, whilst maintaining restriction on the wider night time use of the building*]
- Concerns regarding mud on the road during constriction [**DMM comment:** *This matter could be dealt with by a planning condition in relation to wheel washing if considered appropriate*]
- How will commercial and residential waste be collected? [**DMM comment:** *This matter could be dealt with by a planning condition*]
- Impact on wildlife including newts, snakes and badgers [**DMM comment:** *The applicant has submitted a Preliminary Ecological Appraisal. KCC's Ecological Advice Service has previously commented on the application for 10 holiday lets and a bailiff's cottage under application 18/01417/AS and stated that the proposed development would be unlikely to result in any ecological impacts due to the well-maintained and recreational nature of the site. An ecological enhancement condition was recommended only*]
- Delivery of construction materials will be difficult [**DMM comment:** *This matter could be dealt with by a planning condition and a construction method statement if considered appropriate*]
- Devalue properties [**DMM comment:** *This is not a material planning consideration*]
- The owners of the business are not local residents and have not lived in the village for years – this is misleading [**DMM comment:** *This is not a material planning consideration*]

11 letters of support have been received in total with the following comments:

- Additional business for the village
- Welcome improvement to Biddenden
- A great existing business
- The family who own the business have lived in the village a long time
- The fishery would benefit from holiday pods
- It will not create more traffic
- Biddenden needs more businesses since the loss of so many previous ones
- Night fishing accommodation is a great idea
- Encourages fishing as a family
- Many stakeholders will benefit from the expansion plans
- The site has improved immensely under the current management and is much more desirable to visit
- They have paid attention to the needs of fishermen
- The site has always been very noise sensitive
- It has always been a 24 hour site, albeit with restrictions on gate access and numbers

- The objections mentioning security are inconsequential as there are already people on site for 24 hours and at nightfall – it has been this way for years.

Re-consultation has taken place following the submission of amended plans.

Planning Policy

16. 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).
17. 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).
18. The relevant policies from the Local Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP2 - The Strategic Approach to Housing Delivery
 - SP3 - Strategic Approach to Economic Development
 - SP6 - Promoting High Quality Design
 - HOU5 - Residential Windfall Development in the Countryside
 - HOU12 - Residential Space Standards Internal
 - HOU15 - Private External Open Space
 - EMP3 - Extensions to Employment Premises in the Rural Area
 - EMP11 – Tourism
 - TRA3b - Parking Standards for Non Residential Development
 - TRA7 - The Road Network and Development
 - ENV1 - Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Promoting Dark Skies

ENV9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Residential Space & Layout (External Space Standards) 2011

Residential Parking SPD 2010

Landscape Character SPD 2011

Sustainable Drainage SPD 2012

Dark Skies SPD 2014

Village Design Statement

Biddenden Design Statement 2003

Government Advice

National Planning Policy Framework (NPPF) 2019

20. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
21. Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
22. Paragraph 83 relates to 'Supporting a prosperous rural economy' and states that planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
23. Paragraph 83 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Technical housing standards – nationally described space standards

24. This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

Assessment

25. The key issues for consideration relate to the following:

- Principle
- Visual amenity
- Residential amenity
- Highway safety
- Ecology
- Other issues

Principle

Proposed bailiff's cabin

26. Policy HOU5 relates to 'Residential Windfall Development in the Countryside'. Part two of this policy is in line with paragraph 79 of the NPPF and allows for isolated new dwellings in the countryside if it is for at least one of the following:
- (a) accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - (b) development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future heritage assets;
 - (c) the reuse of redundant or disused buildings and lead to an enhancement to the immediate setting;
 - (d) a dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
 - (e) a replacement dwelling, in line with emerging policy HOU7 of the Local Plan.

27. The applicant has confirmed the proposed bailiff's cabin would provide accommodation for the fisheries manager and his family, whilst also providing an office for the running of the fishery business. It would be a log-cabin design that could be erected without great cost and removed from the site if necessary. The Council's Rural Advisor has reviewed the supporting information provided; and, confirms that a temporary permission would enable the applicant to develop the business in the way set out, whilst allowing the Council to review the extent to which the venture achieves its predicted financial targets and is shown to be viable.
28. Taking the above into consideration, I am satisfied the proposal would meet the policy exception requirements in terms of there being an essential need for a rural worker to reside on site. This would facilitate the development and proper management of the fishery and holiday let business, based on the financially sound manner in which the scheme has been planned. As such, no in principle objections are raised to the provision of a temporary bailiff's cabin. Accordingly, it is recommended that a 3 year permission be given for this part of the proposal, to allow this to be reviewed at a later date.

Proposed holiday lets

29. Paragraph 83 of the NPPF supports economic growth in rural areas and part (c) of this paragraph relates to the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
30. Proposals to extend existing employment premises in rural areas are supported under Local Plan Policy EMP3 providing the criteria under parts (a) to (d) are met, which relates to the impact on the surrounding landscape, historic character, biodiversity, residential amenity and traffic/local road network. Furthermore, Policy EMP11 encourages the sustainable growth of tourism through the provision of a wide variety of new facilities in appropriate locations across the borough.
31. The proposal is for 4 modestly proportioned camping pods, distributed around the site. The accommodation provided would allow the business to grow by providing overnight facilities for anglers and visitors. The site is an existing rural business comprising fishing ponds and associated amenity block. The proposal would contribute to the Government's aim to support economic growth in rural areas. As such, I am satisfied there are no in principle objections to the modest expansion of the existing business through the provision of holiday lets at the site.

Visual Amenity

32. The proposed bailiff's cabin would be relatively simple in design so that it could be erected without great cost and removed from the site if necessary as part of a temporary permission. The bailiff's cabin would be single storey in

height and it is my opinion it would not appear dissimilar from the existing amenity block at the site, which it would be located adjacent to. Views would be largely limited to within the site. I am, therefore, comfortable with this part of the proposal, with regard to the impact on the wider area.



Figure 6 – Existing amenity block

33. The proposed holiday lets would be modest in size and discreetly located around the site. The presence of 4 holiday lets of the design and scale proposed would not appear as an over-development of the site. The proposed holiday lets would comfortably blend in with the rural surroundings without appearing harmful or incongruous, which was the case with the holiday lets originally being proposed and originally applied for under withdrawn application 18/01714/AS. This can be seen by the aerial photo at Figure 7.
34. The applicant has stated that additional boundary planting could be accommodated at the site and it is recommended a condition be imposed to secure this further mitigation is achieved. Overall, it is considered the proposal would not adversely impact visual amenity.



Figure 7 – Aerial photo with location of proposed holiday lets

Residential Amenity

35. The proposed bailiff's cabin would be located adjacent to the existing amenity block at the site. The proposed holiday lets would be discreetly located by two of the ponds with a separation distance of over 300 metres to the closest dwellings to the south. The buildings would be largely screened by swathes of trees and hedging. The proposed development would be positioned well into the site and for this reason it would not have any unacceptable impact in terms of loss of daylight/sunlight, loss of outlook or loss of privacy for the occupiers of the nearby dwellings.
36. Objections have been raised by local residents in terms of increased noise and disturbance and this concern had been expressed for previous applications at the site. Although it is likely there would be some trips to and from the site associated with the use of the bailiff's cabin, it is my opinion the additional impact over and above what already takes place at the site would be limited and a ground of refusal on this basis could not be substantiated. Trips to and from the site by the bailiff would be negated if they were residing there and managing proceedings. Whilst there may be some out of hours trips associated with the occupation of the bailiff's cabin, these would be within acceptable limits. It is considered that a restriction on the access arrangements for someone residing at the site would be unreasonable.
37. The applicant has confirmed the proposal does not seek to alter the existing hours of use and operation of the existing gate at the site for anglers. Condition 5 of planning permission 15/00449/AS stated: "The gates shown on the approved plan L(P)900 Rev E entitled "proposed gate location" shall be locked after 7pm each night and shall not be unlocked until 7am the following

morning". This previous condition would remain in place to restrict out of hours movements by anglers.

38. With regards to the proposed holiday lets, the applicant has pointed out that by its very nature, fishing is a quiet sport and there is always an element of self-regulation between the holiday lets and anglers on the site. Any noise would simply not be tolerated and may impact the fishing itself.
39. It is more than likely that the users of the holiday lets would be anglers; although it is acknowledged this may not always be the case. It is considered that a condition restricting the times of access for the users of the holiday lets would be unreasonable and could in turn impact on the success of the business. The number of holiday lets for the entire site is modest and, as a result, it is considered that movements to and from the site associated with this part of the proposal would be limited. It is recommended that a management plan be established for the overall use of the site, mostly to confirm how this will continue to be managed without further impacting residential amenity. However, a key part of the management plan would also be the requirement for a register to be kept available at all times of all car registration numbers of visitors to the holiday lets (and the bailiff's cottage). This would allow an enforcement officer at any time to be able to establish if a breach of planning control has occurred in relation to the fishery, as opposed to the proposed bailiff's cottage and holiday pods which do not have the same restrictions.
40. The number of anglers at the site is already restricted by a previous condition and does not need to be repeated under the current application, particularly as the red line boundary mostly relates to the bailiff's cabin and holiday lets.
41. The existing conditions that are already in place help mitigate against noise pollution and prevent any loss of residential amenity to an unacceptable degree. As previously mentioned, these conditions would remain in place going forward for the anglers with the same restrictions. If the access is not controlled, and there are the maximum number of anglers at the site, for instance, there would be nothing to prevent numerous comings and goings late at night which would lead to unacceptable disturbance to local residents. As such it is reasonable that these restrictions are maintained for anglers.
42. The fishing ponds can be used 24 hours a day as the hours of operation was not restricted under the original appeal decision for application 04/01235/AS, only entrance to, and exit from the site outside the hours of 07.00 and 19.00. Subsequent planning permissions appear to have restricted hours of use to the approved buildings at the site, not the ponds themselves. It is argued this type of condition would, in fact, be unreasonable given the 24/7 nature of this type of leisure activity. The nature of night fishing is that you set up before the hours of darkness with all the equipment and refreshments you need, and it is not necessary to leave the site during night time hours. The introduction of the proposed holiday lets would not alter this arrangement to an unacceptable degree.

43. Summing up, planning application 18/01717/AS was refused as this sought to entirely remove the condition attached to planning permission 15/00449/AS relating to the gates at the site being locked between specified hours. This would have enabled 24 hour access to and from the site for anglers. This is not what is being requested under the current proposal. Although the bailiff's cabin and holiday lets would not be subject to the existing restrictions in place, it is considered the overall movements associated with this would be modest. With the existing restrictions in place secured by planning conditions, alongside a robust management plan, it is considered the amenity of neighbouring occupiers would not be adversely affected by the current proposal.
44. In terms of the residential amenity of the future occupants of the proposed bailiff's cabin, it is deemed that an acceptable internal and external living environment would be provided. The proposed bailiff's cabin would not include a private garden measuring 10m in depth as required by Policy HOU15; however some flexibility can be applied under this policy. Given the need for the accommodation and its location, it is considered that a high standard of living condition would still be achieved in line with the overall aims and objectives of policy.

Highways Safety

45. The existing vehicular access to the site would be retained and there is sufficient parking and turning available to serve the development. Given the existing conditions restricting angler numbers and entrance/exit times, it is not considered the proposed development would give rise to unacceptable increases in vehicular movements to and from the site. It is more than likely the proposed holiday lets would mainly be used by anglers already planning to visit the site and would not create significant further traffic over and above what is already experienced. As such, the proposal is acceptable in terms of highway safety.

Ecology

46. Concerns have been raised by neighbours in relation to the impact of the proposed development on biodiversity at the site. The applicant has submitted a preliminary ecological appraisal and no objections have previously been raised by KCC's Ecological Advice Service subject to an ecological enhancements condition being imposed. As such, I am satisfied there would be no grounds to refuse the application from a biodiversity point of view.

Other Issues

47. Concerns have been raised by neighbours in relation to drainage, disposal of sewage and refuse collection (commercial and residential); however these matters could all be adequately dealt with by way of a planning condition.

Human Rights Issues

48. 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

49. 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

50. The provision of a temporary bailiff's cottage and 4 holiday lets at the site is considered acceptable and would comply with the Development Plan and the NPPF; and, is in line with the thrust of government guidance to support sustainable expansion of rural enterprises. Subject to relevant conditions, it is considered the proposal would have an acceptable impact on the visual amenity of the surrounding area and the residential amenity of adjacent properties. The proposal would also be acceptable from a highway safety, ecological impact and drainage point of view. As such, with the principle being acceptable and no significant harm identified, the proposal is recommended for approval.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

1. Implementation within 3 years
2. Approved plans
3. Available for inspection
4. Temporary 3 year permission – bailiff's cottage
5. Bailiff's cottage only to be used for this purpose and removed if use ceases
6. Management plan for the site (to include the requirement for a register to be kept available at all times of all car registration numbers of all visitors to the site, to distinguish vehicle movements related to the holiday lets and the bailiff's cottage, from those associated with anglers. This would enable existing out of hours movement restrictions for anglers to be maintained)
7. Materials to be approved – bailiff's cottage
8. Materials as specified – holiday lets
9. Holiday lets – only to be used for this purposes
10. Holiday lets - register to be kept
11. Details of drainage
12. Details of disposal of sewage
13. Details of refuse collection arrangements
14. Development carried out in accordance with recommendations of Preliminary Ecological Appraisal (Iceni Ecology Ltd - November 2018)
15. Ecological enhancements
16. No external lighting

Notes to Applicant

1. Working with the Applicant

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00505/AS)

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 14th October 2020

Contact Officer: Georgina Galley
Email: georgina.galley@ashford.gov.uk
Telephone: (01233) 330313