

Application Number	19/01484/AS
Location	Cherry Wood Cottage, Alder Lane, Rolvenden, Ashford, Kent, TN17 4DF
Grid Reference	583254/129999
Parish Council	Rolvenden
Ward	Rolvenden and Tenterden West
Application Description	Erection of a replacement storage building for tractor, equipment, machinery and other farming implements
Applicant	Mr Jestyn, Cherry Wood Cottage, Alder Lane, Rolvenden
Agent	Mr G Mickleborough, Bloomfields
Site Area	0.06ha
(a) 2/1S	(b) Rolvenden PC R (c) Rural Planning Ltd X, KCC PROW X, RAM X

Introduction

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

Site and Surroundings

2. The application site is located off Alder Lane in the parish of Rolvenden. Occupying an isolated position the site is accessed via a narrow unmade public byway, ref no AT62. The site is in the countryside and the High Weald AONB. Tree Preservation Order (TPO No 6 of 2020) lies adjacent to the site. This relates to the group of trees which lie along north eastern boundary adjacent to the byway



Figure 1: Site Location

3. The site comprises Cherry Garden Cottage a farmhouse subject of an Agricultural Occupancy Condition (AOC) with approximately 2 ha of associated farmland. Formerly known as Alders Fruit Farm, the site once formed part of much larger farming enterprise in the 1990's although since then the agricultural operations have diminished and most of the land sold off.



Figure 2: Site and associated land

Proposal

4. Planning permission is sought for the erection of a replacement storage building for tractor, equipment, machinery and other farming implements.
5. Measuring 12m x 12m with a height of 3.2m to the eaves and 4.6m to the ridge, the proposed building seeks to replace a former farm/storage building which has since been demolished. Sited between the existing dwelling and the site access, the proposed building would be built partly upon the footprint of the original building. Set back into the site the proposed building would be clad in green metal profile sheeting.
6. Following concerns raised by Officers regarding the impact upon the protected trees along the north eastern boundary, the plans have been amended, moving the proposed building approximately 2.5m further south west allowing for new trees to be planted which would consist of Hornbeam, Field Maple and Sweet Chestnut planted at 10m intervals (see Figure 5 below).

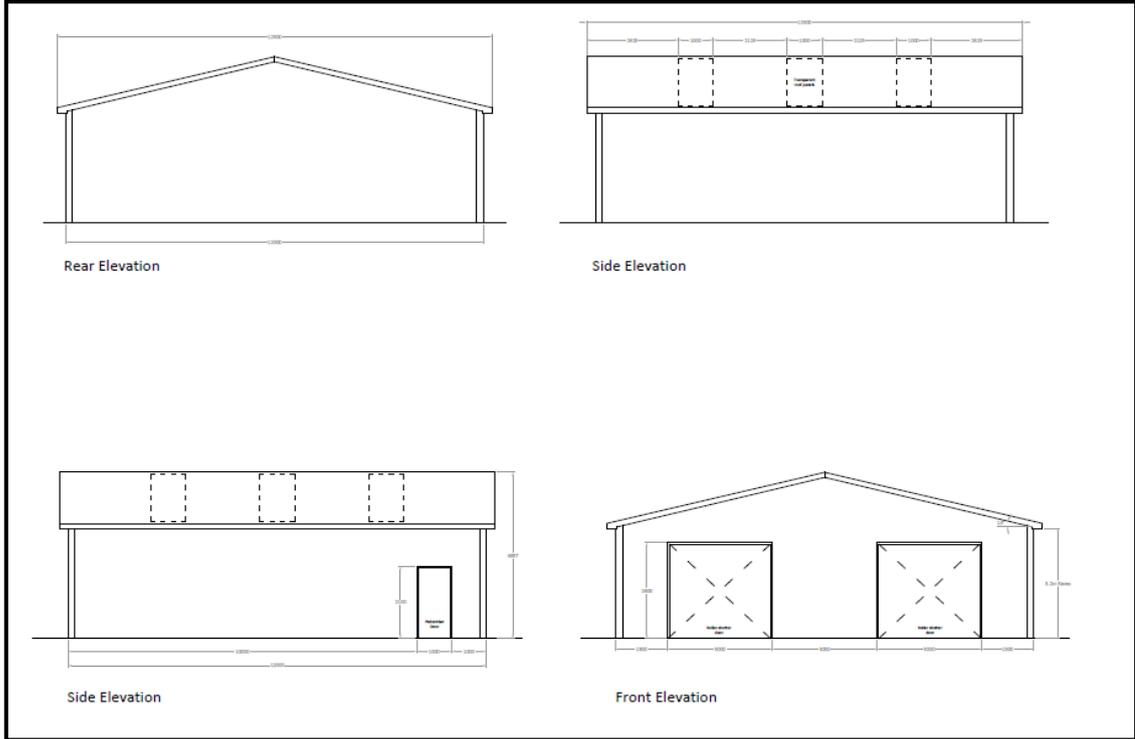


Figure 3: Proposed Elevations

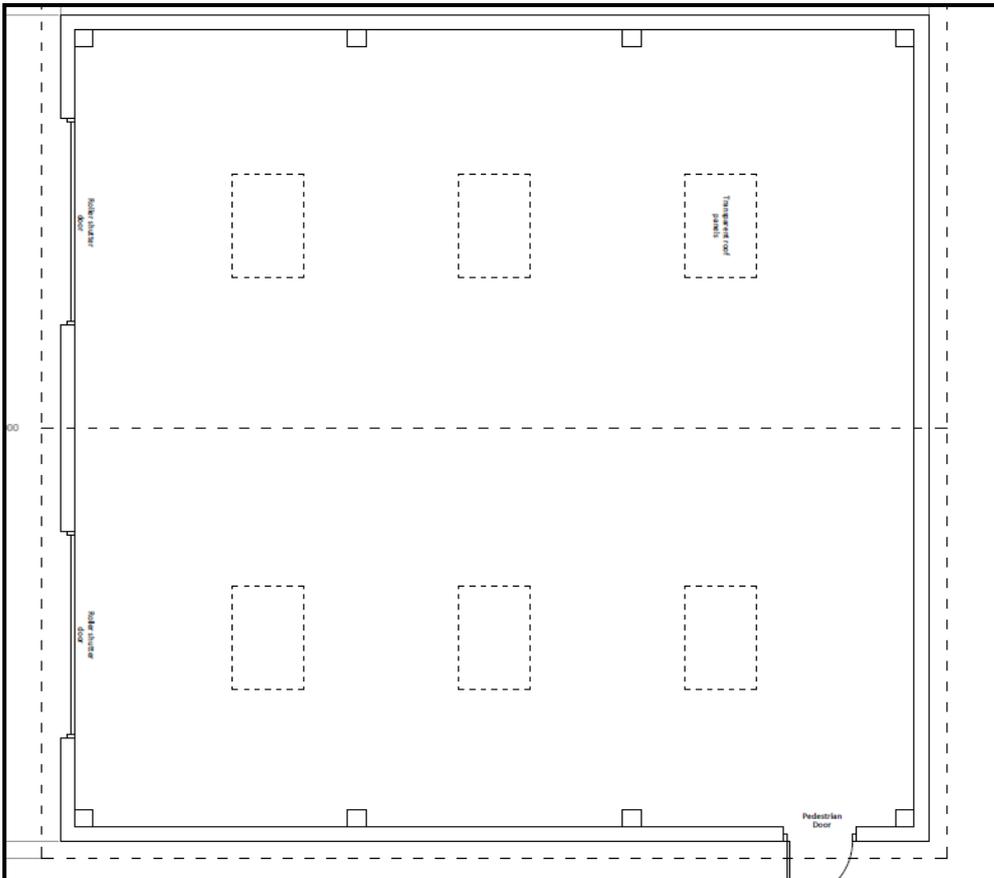


Figure 4: Proposed Floorplans



Figure 5: Proposed Site Layout

7. This application is a revised scheme to that which was refused under application 18/00651/AS. This application sought permission for a considerably larger building, measuring 31.8m x 12m, which, was to be sited more centrally within the site (see Figure 6 below).

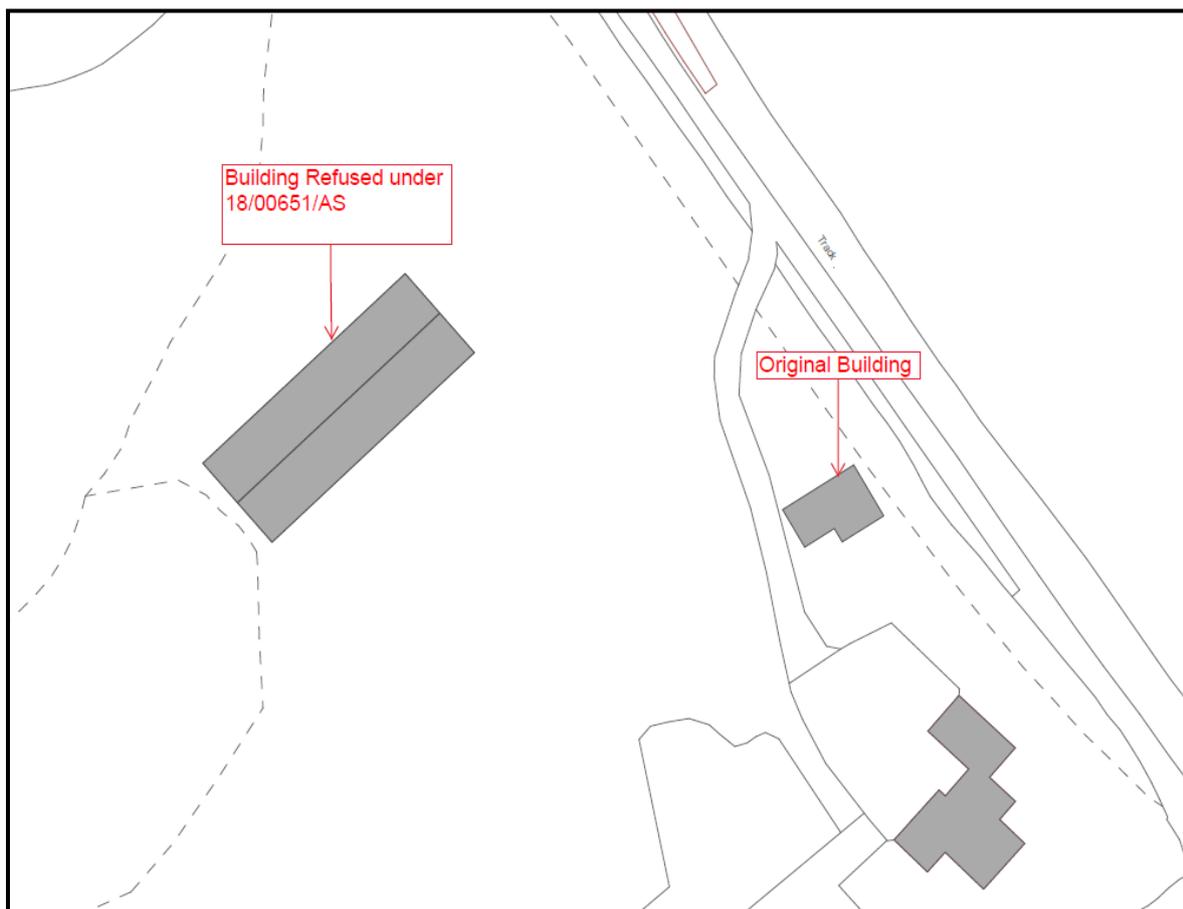


Figure 6: Previously Refused Scheme

Planning History

DC	FA	19/00701/AS	Prior approval for a proposed change of use of building and land within its curtilage from an agricultural use to a flexible use falling within Class B1 (light industrial)	PRIOR APPROVAL REFUSED
DC	FA	18/00651/AS	Erection of Agricultural Barn	REFUSED NB: This application was refused for the reason that there was no identifiable agricultural need or justification for the barn
DC	FA	18/00643/AS	Demolition of existing workshop and outbuildings and erection of replacement workshop.	REFUSED NB: This application was refused for the reason that

				there was no identifiable agricultural need or justification for the workshop
DC	FA	06/01862/AS	Construction of agricultural building for machinery and fruit storage	REFUSED
DC	FA	91/01746/AS	Agricultural dwelling (revised design and siting)	PERMITTED

Consultations

Ward Member: The Ward Member requests that the application be determined by the planning committee. At the time of the Ward Member's comments and call in Cllr Walder was not a member of the Planning Committee however she is now a Member of the Planning Committee. The Ward Members comments are set out below:

- No evidence of the necessary agricultural activity, which would justify granting permission.
- Disagree with the assertion made by the consultee, Rural Planning that a building of this size can be viewed as 'reasonably necessary' to the management and maintenance of the associated smallholding and do not see fulfilment of the AOC as justification for its erection.
- Concerned about the downgrading of the soil on the holding with soil spread across the site from the house construction
- Concern over the condition of the row of ancient Hornbeams lying to the North of the site along Alder Lane.

Rolvenden Parish Council: OBJECT for the following reasons:

- This as a commercial building, possibly B1 usage although the application appears to be silent as to the use class being applied for.
- No evidence on site of any agricultural activity. No fencing, gates or stock are observed.
- Building is inappropriate for its stated use as an agricultural building of the nature required. Whilst it would provide security for machinery, it is vastly oversized given the scale of the site and entirely unsuited for either forage storage or housing of overwintering livestock due to the lack of ventilation.
- Little evidence that the applicant is a farmer.
- A row of ancient Hornbeams lies just north of the site along Alder Lane and are of particular cultural importance. Their preservation is important to the village.
- A tree survey and management plan should be put in place to safeguard their future and ensure they continue to be periodically pollarded to retain this ancient boundary feature.
- Trees have been severely undermined by land levelling, potentially in anticipation of erecting this building and consideration should be given to requiring suitable ground restoration beside these trees.

Rural Planning Ltd: No Objection. Makes the following comment:

As a relatively modest replacement structure, it would appear to be reasonably necessary to the management/maintenance of the associated smallholding, and potentially also of value in terms of the wider role contemplated, and in terms of assisting potential compliance with the occupancy condition on the dwelling

KCC PROW: No Objections subject to conditions

Ramblers Association: No Objection

Neighbours: 2 consulted, 1 letter of support received stating the following:

- There is a need to provide a safe and secure building for the storage of the existing tractor(s), cutting machinery and other smaller items. There is no secure storage for such items at the moment. The vulnerability of the site and the machinery is a genuine concern.
- Size of the proposed building is as small as it could practically be in order to serve the intended purposes as a storage building.
- Current open storage of machinery and equipment is an unnecessary distraction from the otherwise undeveloped character of the landscape here, whereas a relatively modest green-coated building enclosing the stored items would be an improvement to the visual amenity, and would address the current need to store machines and equipment externally on site.

Planning Policy

8. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
9. The relevant policies from the Local Plan relating to this application are as follows:-
 - SP1 – Strategic Objectives
 - SP6 – Promoting High Quality Design
 - ENV3b – Landscape Character and Design
 - ENV4 – Light Pollution and Promoting Dark Skies
 - ENV5 – Protecting Important Rural Features
 - ENV9 – Sustainable Drainage

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment

Dark Skies

SUDS SPD

Government Advice

National Planning Policy Framework (NPPF) 2019

11. 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:-

National Planning Policy Guidance (NPPG)

High Weald AONB Management Plan

Assessment

Principle of Development

12. The application relates to a smallholding that extends to just under 2 ha of pasture and woodland and includes a dwelling subject to an agricultural occupancy condition. In the past, under previous ownership, the site has been put to unauthorised, non-agricultural uses however, it is the intent of the applicant (and new owner) to put the site back to agricultural use, reintroducing some agricultural production on the available land with grazing sheep and/or producing hay.
13. The proposed building is sought to replace a smaller timber-framed structure on the same site which has since been demolished. Measuring 12m x 12m and 3.2m to eaves, the proposed building is significantly smaller than the agricultural building initially proposed under application 18/00651/AS (this measured 31.8m x 12m and was more remotely related to existing buildings on the site). A two-bay steel portal framed structure, the proposed building would be used for the storage of a tractor and agricultural machinery.
14. There are no other buildings on site which could be utilised for this purpose and the proposed building has been reduced to a size and scale more proportionate to size of the associated smallholding. Agricultural production

will be small scale given the extent of owned land. That said, it is the intention of the applicant to use the equipment kept within the building, to maintain pasture land on other holdings in the area however, the availability of other pasture land for management will only be made possible, if a storage building is made available at this site.

15. Considering the above, it is considered that a reasonable agricultural need for the proposed building has been demonstrated. A relatively modest structure, the building would be necessary to the management/maintenance of the smallholding and would, potentially, be of value in terms of the wider role contemplated. Furthermore it would assist in complying with the occupancy condition on the dwelling on the site. In principle it is that considered that the proposal is acceptable subject to the following matters being addressed.

Visual Amenity

16. Policies SP6 and ENV3b of Local Plan seek developments which are of good design and which demonstrate consideration of the local character and landscape. Specifically, policy ENV3b states that proposals within or affecting the setting of AONBs will only be permitted provided, amongst other things, the location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape. This is consistent with the NPPF which seeks development which adds to the overall quality of the area as a result of good layout and appropriate and effective landscaping.
17. Set back from the byway, views of the proposed building would be partially obscured by the existing row of Hornbeams along the north eastern boundary. Whilst it is noted that these trees are deciduous trees and therefore views of the building would be possible from the byway in the winter, there is an established agricultural need for this building and there are no other buildings on site for this purpose. The proposed building is of an acceptable functional design and sited close the existing dwelling, the proposal maintains the built development within a small cluster on the smallholding. A landscaping scheme consisting of trees and hedgerow along the north eastern boundary is also proposed to help further screen the building.
18. Siting the building close to existing built development and making use of, and strengthening the existing natural screening provided by the adjacent trees and woodland, will reduce the visual impact of the building. The proposed landscaping would help to enhance and restore the character of the site and its surroundings and for a large proportion of the year, provide an effective natural screen. Furthermore the proposed colour of the building would further assist in assimilating the development with its rural, woodland surroundings. Taking this into consideration on balance, the agricultural need for the building is considered to outweigh any limited visual harm in the wider countryside / AONB.

Trees

19. Trees and hedgerows are key aspects of the Borough's countryside and the High Weald AONB. Ancient semi natural woodlands are not just important landscape features but provide a range of habitat and biodiversity value not found in other forms woodland. Policy ENV3a (to which relevant policy ENV3b refers), requires regard to be had to the composition of trees and woodland and states amongst, other things, that existing features that are important to the local landscape character shall be retained. Policy ENV5 of the Local Plan seeks to protect important rural features including ancient and semi-natural woodland.
20. The application site contains a strip of mixed mature trees (Oak, Hornbeam, Hawthorn, Holly, Sweet Chestnut and Yew) which are subject of a Tree Preservation Order (no 6 of 2020). These trees run in a strip adjacent to Alder Lane and are an important component in the character of this section of the lane as it transitions to a byway. With the woodland opposite (part of Cherrygarden Wood, a designated ancient woodland), these trees provide for a green corridor that makes for a leafy rural lane within the High Weald AONB and partially screens the dwelling of Cherry Wood Cottage.
21. The initial siting of the building had an adverse impact upon these trees, sited within their root protection areas. As a result amended plans have been submitted, showing the building sited approximately 2.5m further into the site. This results in the proposed building now falling outside of the root protection areas of the protected trees. Furthermore, a 4m gap between the trees and building is now proposed along with landscaped buffer comprising a mix of native trees (Hornbeam, Field Maple and Sweet Chestnut planted at 10m intervals).The revised plans along with the proposed planting are acceptable and there would be no harm to retained trees / protected trees.

Residential Amenity

22. Given the isolated location of the site and its distance to neighbouring dwellings, no harm to residential amenity would result from this proposal.

Highway Safety

23. No significant or unacceptable harm highway safety would result from this proposal.

Drainage

24. Limited information has been submitted regarding the proposed drainage but considering the scale of the development proposed it is not considered there would be any significant increase in terms of surface water run-off. No surface water drainage or flooding problems are associated with the site.

Human Rights Issues

25. 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

26. 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

27. In light of the above, the submitted proposal is considered to be acceptable and in accordance with the provisions of the Development Plan. A reasonable agricultural need for the proposed building has been demonstrated and the proposal is considered acceptable in respect of its visual impact, impact upon protected trees, residential amenity and highways safety.
28. With no significant or unacceptable harm identified and no matters raising an overriding objection to the grant of permission, the proposal is considered acceptable and it is therefore recommended that the application be approved subject to conditions.

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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Within four months of the date of this decision the approved landscaping/tree planting scheme as shown on Drawing 7028 shall be fully implemented. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to protect and enhance the amenity of the area.

4. No external lighting shall be installed on the site.

Reason: To protect and maintain the site's intrinsically dark location and the character and appearance of the AONB.

5. The building hereby permitted shall be used for the purposes specified within the application and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

6. The development shall be carried out in accordance with the details of external materials specified in the application.

Reason: In the interests of visual amenity.

7. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01484/AS)

Contact Officer: Laura Payne
Email: Laura.Payne@ashford.gov.uk
Telephone: (01233) 330738