

<b>Application Number</b>	21/01440/AS
<b>Location</b>	Meadowside Farm, Scots Lane, Brabourne, TN25 6LP
<b>Grid Reference</b>	161286, 141754
<b>Parish Council</b>	Brabourne
<b>Ward</b>	Bircholt Ward
<b>Application Description</b>	Demolition of existing agricultural barn and erection of a log cabin to be used as temporary residential accommodation
<b>Applicant</b>	Mr Peacock
<b>Agent</b>	Finn's
<b>Site Area</b>	176.68m <sup>2</sup>

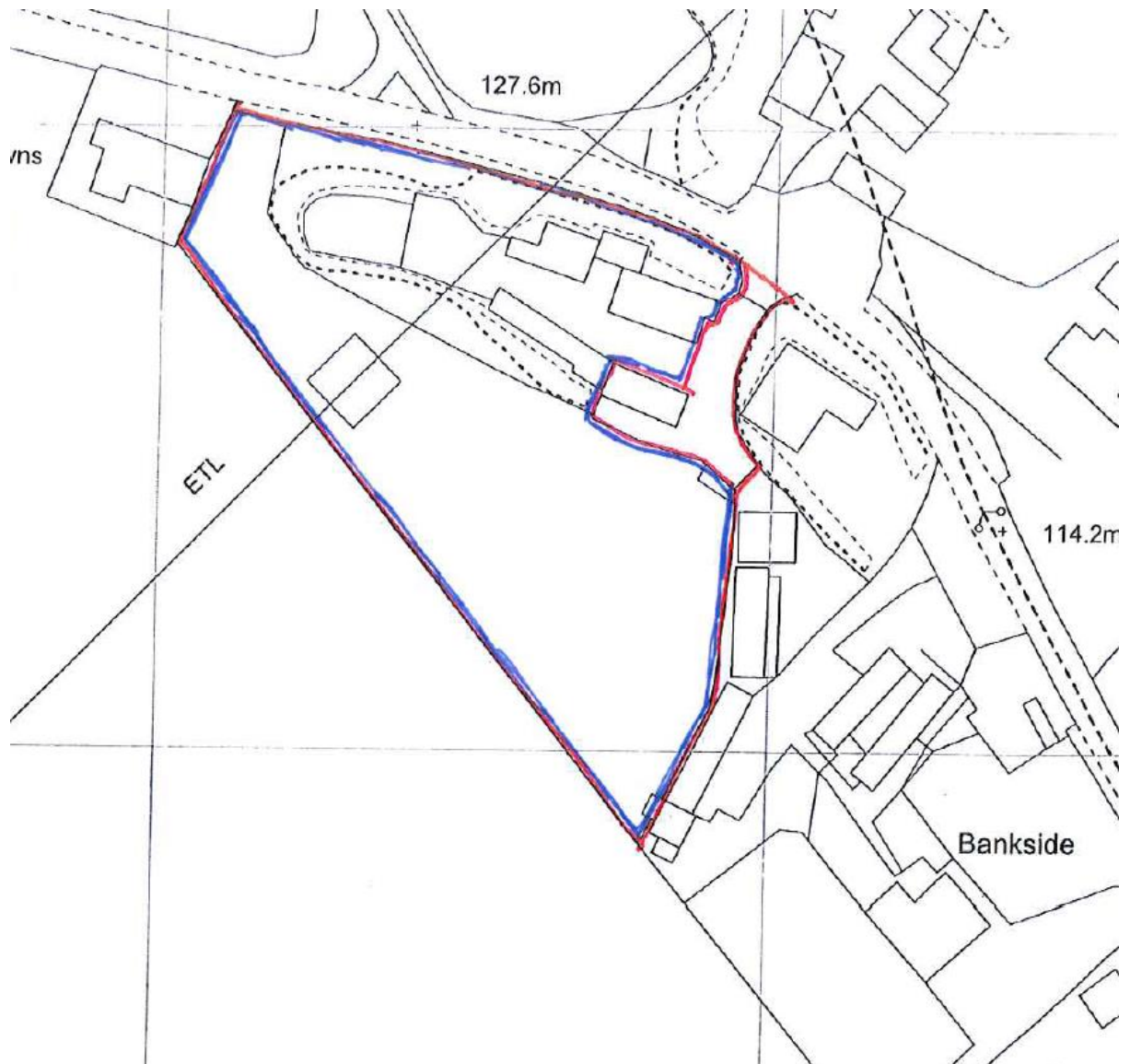
(a) 12/10/1R (b) Parish R (c) RPL-R ESM X KCC ECO X

## Introduction

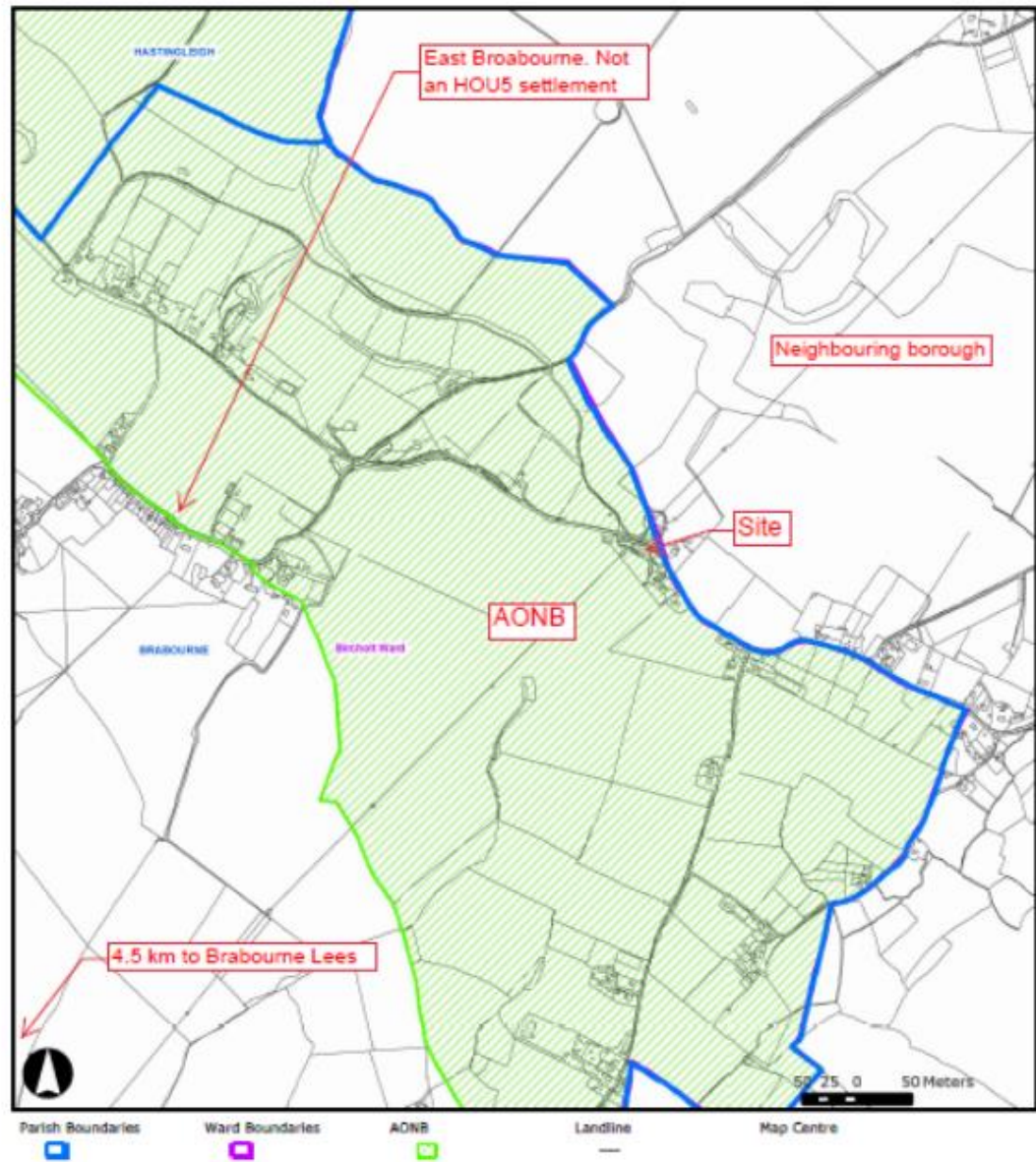
1. This application is reported to the Planning Committee at the request of the local Ward Member Cllr. William Howard

## Site and Surroundings

2. The application site is located outside any defined rural settlement in the open countryside which is within the designated Kent Downs AONB.
3. The wider site, outlined in blue in Figure 1, comprises a collection of rural barns used for keeping a small number of livestock and horses with a small paddock directly behind/south of the barns. The surrounding area is characterised by the scenic beauty of the AONB and sporadic residential development along the road frontage. PROW AE301 runs to the south of the site.
4. The site falls within the Stodmarsh Catchment Area and is therefore been subject to consideration for Nitrogen Neutrality Assessment under the Habitat Regulations.



**Figure 1 - Site Location Plan**



**Figure 2 - Site location Plan (wider surrounding area)**

## Proposal

5. The proposal is for the demolition of an existing barn and the erection of a log cabin to be used as temporary residential accommodation in conjunction with an agricultural enterprise.

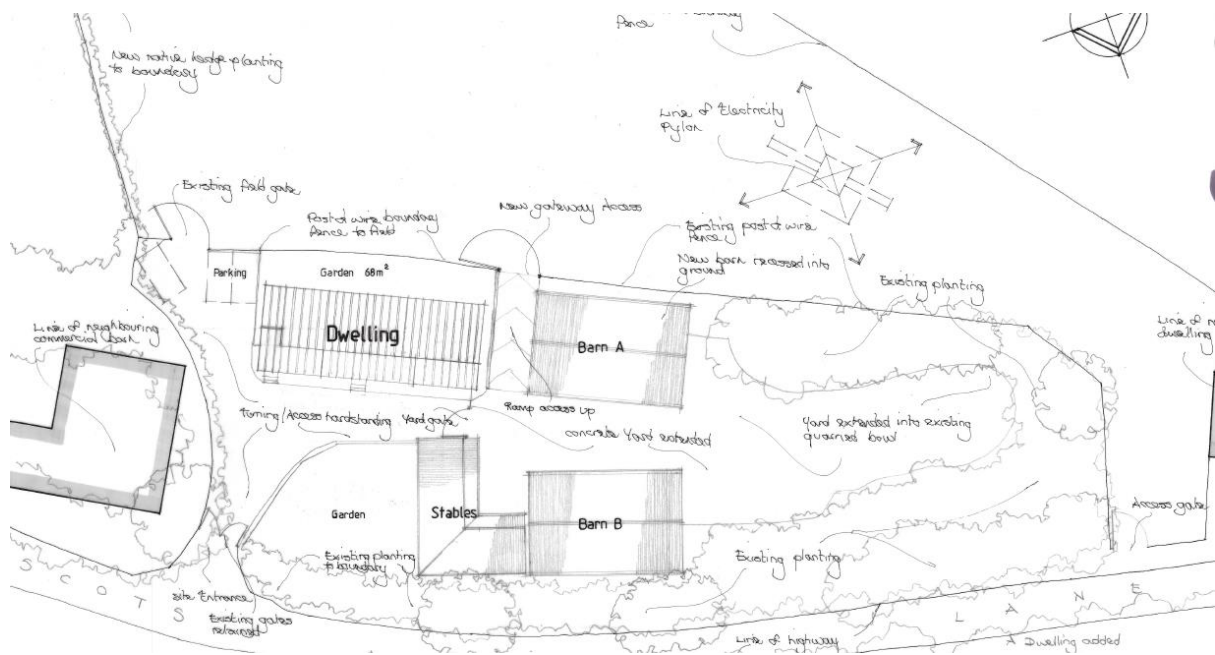


Figure 3 - Proposed Site Layout



Figure 4 – Impression View

6. The dwelling will measure some 19.5m in length and 6.8m in width. The metal clad roof is proposed to be fitted with a natural sedum grass roof. Externally the dwelling would be finished in timber cladding.
7. Internally the log cabin would provide three bedrooms for the applicant and his family, a lounge/kitchen/diner, separate utility/boot room and a farm office.

## Planning History

8. The following is relevant relating to the application;-  
19/01540/AS Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking.

This application was heard by the August 2020 Planning Committee and refused for the following reason:

The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU15, ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance and would therefore be contrary to interests of acknowledged planning importance for the following reasons: The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to an unsustainable new dwelling in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside. The proposal, by reason of the siting, design and the domestication of the plot, would constitute a visually harmful form of development detrimental to the rural character and appearance of the site and would fail to conserve or enhance the Area of Outstanding Natural Beauty. In the absence of a dedicated private garden the proposal would constitute overdevelopment of the plot and result in a poor standard of amenity for future residents to the detriment of their residential amenity.

Other applications:

21/01471/AS demolition of existing agricultural buildings and stables and erection of two replacement agricultural barns and stables

## Consultations

**Ward Member:** Requests that the application be determined by the planning committee.

**Brabourne Parish Council** - Objects for the following reason:

- It is considered that it has not been satisfactorily demonstrated that there is an essential need for a rural worker to live permanently at this site. In terms of details of the applicant's current accommodation, one point on this matter has been sent to the planning officer for consideration. With regards to business viability, this would be a matter for the LPA's rural planning consultant to advise on.

**Rural Planning Consultant**

- The "actual" figures quoted appear to be rounded summary estimates. Presumably these are taken from properly drawn up accounts for the years in question, but I would suggest what is required is submission of those actual certified accounts for those years, showing the profit and loss accounts, along with the balance sheets, for the farming business. The full accounts for 2020/21 are particularly relevant.
- There is no proper explanation of what is proposed in order to achieve the assumed sales and profit figures for 2021/22, so as to justify the large increases anticipated compared to the much lower figures given for the earlier years from 2017/18 onwards. There are no details, for example, of the expected numbers of breeding livestock, and their progeny for sale, nor of any secured sales outlets and the prices achievable therefrom. Similarly the assumed sales figure for hay is not explained and broken down. Normally it would be expected in this sort of case for detailed individual gross margins to be calculated for each enterprise (e.g sheep, pigs, hay).
- It appears unrealistic, as suggested, for a substantial increase in output to be achieved with virtually no increase in overheads.
- Based on the submitted plan, I would estimate there is only about 17 ha of actual grassland identified (as opposed to some 25 ha suggested in the submitted Statement) of which only 2.5 ha is owned.
- No details are given as to the arrangements under which these rented parcels are occupied, including whether there is any security of tenure for any of the areas.
- If the boundaries have been drawn correctly, the rented parcels include a number of buildings, the use of which has not been explained.
- No rental breakdowns are given either, and it is questionable why the figure for rent in the financial figures is so low and has hardly risen over the years, notwithstanding (as it appears) a significant increase in the areas occupied.
- There are no details of the location of the applicant's current accommodation.
- As matters stand, therefore, I do not consider an essential case for the temporary dwelling has been demonstrated, either in terms of the functional need for a responsible full-time farm worker to be resident at the site at most times, or in terms of there being a sound and viable business plan.

Following the provision of additional information further comments were made:

- There appears to be an additional plan showing a further area of rented land of some 4.9 ha off the east side of the B2068, about 3 miles from the site.
- The figures provided are a revision of some of those provided last September,

- The “year” headings on the first page are wrongly stated, as they don’t match the columns below on the next page (where, presumably, the correct years are shown), nor do they correspond to the information submitted in September. Clearly “Actual” figures, prepared in November 2021, could not relate to the year 2021/22. “Actual 2021/22” should be 2020/21, likewise “2019/20” should be 2018/19, “2020/21” should be 2019/20, and “2022/3” (projected) should be 2021/22.
- With that in mind, the figures show a downwards revision in the sales and profit figure for 2020/21, which adds further doubt on the accuracy of these figures in the first place, as they were supposed to be “Actual” when presented in September 2021.
- There has also been a significant reduction in projected sales and profit for 2021/22.
- There are still no copies of actual certified accounts for the quoted “actual” years, showing the profit and loss accounts, along with the balance sheets, for the farming business

### **KCC Ecology**

- We have reviewed the ecological information submitted in support of the application and advise that sufficient information has been provided.
- However, in addition, we note that the current application is to build a new dwelling. The proposed development falls within the Stodmarsh Nutrient Impact Area. All new development with overnight accommodation must take into account Natural England’s Advice on Nutrient Neutrality for New Development in the Stour Catchment. Ashford Borough Council will need to address the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), for which the applicant will need to provide information regarding nutrient budget calculations, as detailed in Natural England’s advice note dated November 2020.
- Conditions recommended for an Ecological Mitigation and Management Plan and Ecological Enhancements

### **Environmental Protection**

- The log cabin will be placed on stilts and will be off the ground. Due t the previous use of the buildings there is the potential for land contamination and the use of asbestos. The applicant will need to ensure that all asbestos containing material is removed and disposed of by a suitably qualified and experienced contactor.
- Conditions recommended relating to construction works, electric car charging and reporting of unexpected contamination.

### **Neighbours**

- 12 neighbours have been formally consulted. One objection and ten letters of support as summarised below:
- Objection
  - Attempt to make an agricultural piece of land into a residential building plot starting with a temporary dwelling.

- Support
  - Would allow family to be closer to the land and manage livestock without need to travel.
  - Will enhance the site and not interfere with other property.

## Planning Policy

9. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019) the Egerton Neighbourhood Plan (2021 and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

10. The relevant policies from the Development Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP2 – Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

TRA3a - Parking Standards for Residential Development

TRA6 – Provision for Cycling

TRA7 - The Road Network and Development

ENV1 – Biodiversity

ENV3b – Landscape Character and Design in the AONBs

ENV4 – Dark Skies

ENV9 - Sustainable Drainage



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

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

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

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

**Government Advice**

National Planning Policy Framework (NPPF) 2021

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:-
13. Paragraph 78 of the National Planning Policy Statement advises to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
14. Paragraph 79 states 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, 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.

#### National Planning Policy Guidance (NPPG)

15. Technical housing standards – nationally described space standards

### **Assessment**

16. The key issues for consideration are as follows:

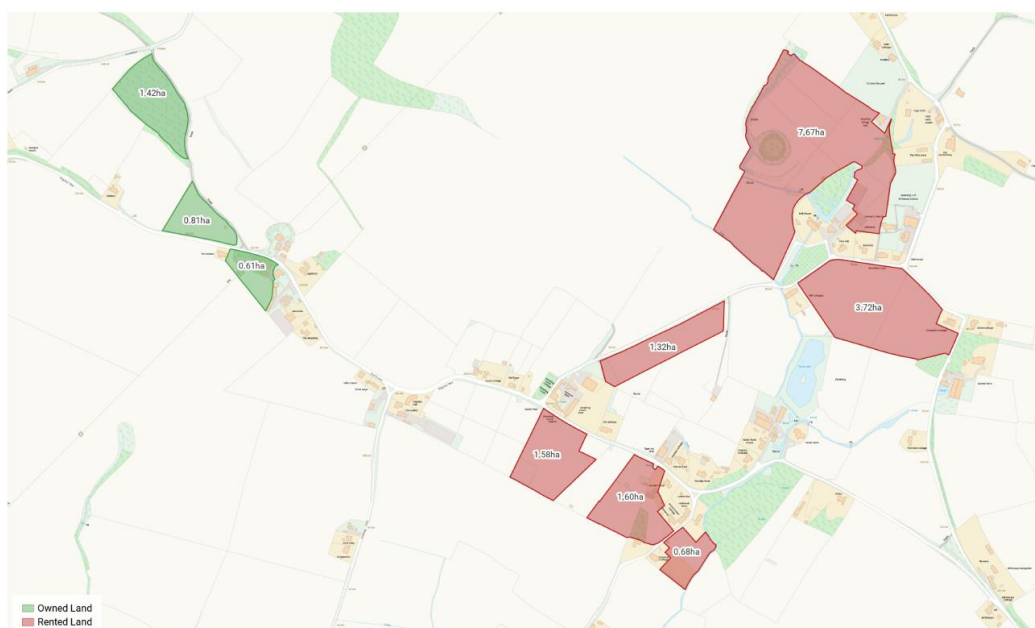
- Principle
- Impact on the AONB/visual amenity
- Residential amenity
- Highway safety and parking
- Ecology
- Stodmarsh

### **Principle**

17. The application site is located in the rural area and therefore falls to be considered under policy HOU5 of the Local Plan 2030 which covers proposed windfall housing developments located outside the built up confines of settlements, i.e. in the open countryside. 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.
  - Residential development elsewhere in the countryside.
18. The site is located some distance (approx. 4.5Km) from the nearest sustainable settlement at Brabourne Lees / Smeeth as set out in policy HOU5 and is therefore contrary to the first section of this policy as the site is not adjoining or close to the nearest sustainable settlement and is therefore not a sustainable location for a new dwelling.
19. The application has been submitted as a rural workers dwelling, therefore the second section of policy HOU5 applies. In accordance with paragraph 79 of the NPPF the first part of this section of the policy states residential development elsewhere in the countryside will be permitted if the proposal is for the following:-

- *Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;*

20. The applicant is seeking a temporary permission for the stationing of a log cabin while the existing agricultural enterprise is further established. Since the previous application, refused by the Planning Committee, the planning statement states that the applicant has continued to grow his business and increase livestock numbers and that sales from hay and pigs were not included in the forward projections to justify the refusal for a permanent dwelling.
21. The key issue is thus whether a dwelling on this site is essential. The previous application, reference 19/01540/AS, for a permanent dwelling was refused. It is now sought to erect a temporary dwelling. There is no new guidance, following the repeal of Planning Policy Statement 7 and Annex A of the guidance note, which then advised that where it is essential to support a new agricultural enterprise accommodation should normally be provided for the first three years by a caravan or similar structure which could be dismantled easily and removed off site or by other temporary accommodation.
22. The applicant has ownership of 2.84ha of land in close proximity to the application site, as marked green in Figure 5. In addition 16.57ha of land is farmed nearby, as marked in red, and a further 4.86ha parcel of land off the east side of the B2086ha, about 3 miles from the site is also farmed. The applicant has stated that 80% of these parcels of land are occupied by gentleman's agreements with landowners who are offered farm produce instead of direct financial payments. The land is used primarily for the production of lamb meat with some lesser pork production.



**Figure 5 – Owned/Rented Land (not inc.the additional 4.86ha parcel)**

23. The applicant confirms that the lamb meat is sold to local restaurants including Rocksalt (Folkestone), The Wife of Bath (Wye), The Five Bells (East Brabourne), The Radnor Arms (Folkestone), The Marquis of Granby (Alkham), The Tiger Inn (Stowting) and the Lobster Shack (Whitstable). Sausages are sold to the Five Bells and Woolpack in Smeeth. Lamb, pork and sausages are also sold to private customers in the local area.
24. The applicant contends that there is a need to be on site to attend to the livestock as he is currently living off site and has to make several daily trips back and forth which is not sustainable. It is nevertheless noted that the applicant has kept sheep for a period of some 8 years without the need for a dwelling on site, albeit there has been an expansion of the business.
25. The Council has sought the view of a specialist rural planning consultant to assess the scale of the agricultural holding to see if there is a functional and financial need for the applicant to reside on site. The consultant has assessed the initial supporting documentation and further subsequent supporting information received from the applicant. The consultant does not consider an essential case for the temporary dwelling has been demonstrated, either in terms of the functional need for a responsible full-time farm worker to be resident at the site at most times, or in terms of there being a sound and viable business plan particularly given there has been a significant reduction in projected sales and profit for the 2021/2022 financial period.
26. The proposal is therefore contrary to policy HOU5 and the aims and objectives of the NPPF and would represent an unjustified and unsustainable new dwelling in the AONB, albeit on an initial temporary basis.

#### **Impact on the AONB/Visual Amenity**

27. The site is located in the AONB, which is afforded the highest status of protection by paragraph 172 of the NPPF. The erection of any dwelling, temporary or permanent, on the application site, which would be clearly visible from the road and PROW, would result in the domestication of a rural agricultural site through the introduction of a new dwelling, parked cars, light spillage (from the large openings in the rear elevation overlooking the AONB) and domestic garden land with associated domestic paraphernalia. As a result the proposal would cause significant visual harm to the rural character of the site and would fail to conserve or preserve the AONB.
28. The Planning Statement advises that the new log cabin would visually enhance the site as the barn being demolished is in a poor state of repair, with a somewhat unsightly and unkempt appearance, and detracts from the character of the area and that the sedum roof will help to the log cabin into the surrounding green environment and significantly improve the biodiversity

value of the site. However, this is not a reason to justify a new house in the AONB and, in terms of the character of the barn to be demolished, would encourage other land owners to neglect agricultural buildings. Further agricultural buildings of a varying degree of repair are common place features in rural areas.

### **Residential Amenity**

29. The proposed internal living accommodation would comply with the National Technical Standard, which are set out under Policy HOU12, were the accommodation be retained on a permanent basis. An area of private amenity space would be provided to the rear offering 68m<sup>2</sup> of amenity space. This is considered to be sufficient for the application site.
30. Given the separation distances involved to neighbouring residential properties there would be no unacceptable impact on neighbour amenity through the development appearing overbearing or resulting in overlooking.

### **Highways Safety and Parking**

31. Parking and on-site turning could be provided in accordance with policy TRA3a of the Local Plan. The proposal would utilise an existing vehicle access and acceptable turning areas could be provided together with parking provision, therefore no highways safety objections are raised given the minimal impact of any additional traffic frequenting the site.

### **Ecology**

32. The submission includes an ecological appraisal report which indicates there would be no significant negative ecology impact subject to mitigation and enhancement measures which could have been secured by condition(s) had the scheme been acceptable overall.

### **Stodmarsh**

33. The application site is within the Stodmarsh catchment area thus information is required to demonstrate that the proposal would not affect the integrity of the integrity of the Stodmarsh European Designated site, in accordance with the requirements of the Habitats Regulations. The applicant has submitted a Nutrient Neutrality Assessment which concludes that the scheme would result in a deficit of total nitrogen and a negligible increase in phosphorous being introduced into the catchment, and that consequently the development is considered to be 'nutrient neutral'. This assessment has not been independently verified given that the proposal is considered to be contrary to Policy HOU5, and thus unacceptable in principle.

## 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. The site is located in the open countryside approx. 4.5km from the nearest sustainable settlement therefore the proposal is not supported under the first section of policy HOU5.
37. Given the nature and level of agricultural activity, the proposal would not meet the usual functional and financial tests in support of rural worker accommodation in the countryside. The proposal does not meet the tests of essential need for a rural worker to live at this site.
38. As such the development would constitute an unsustainable form of development in the countryside contrary to policy HOU5 of the Local Plan 2030, and would fail to comply with any of the exception criteria outlined under paragraph 79 of the NPPF.
39. The proposal, by reason of the siting, scale, domestic appearance, and domestication of the plot, would constitute a visually harmful form of development and would be significantly detrimental to the rural character and appearance open countryside and would fail to conserve or preserve the character of the AONB.
40. The economic and social benefits of one additional house on this site is not considered to outweigh the demonstrable harm identified above.
41. Therefore, for these reasons it is recommended that the application is refused.

## **Recommendation**

### **Refuse**

#### **On the following grounds**

1. The proposal is contrary to policies SP1, SP2, SP6, HOU5 and ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
  - The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to an unsustainable new dwelling in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.
  - The proposal, by reason of the siting, design and the domestication of the plot, would constitute a visually harmful form of development detrimental to the rural character and appearance of the site and would fail to conserve or enhance the Area of Outstanding Natural Beauty.

#### **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 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](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 21/01440/AS)

**Contact Officer:** Robert Davis  
**Email:** [Robert.davis@ashford.gov.uk](mailto:Robert.davis@ashford.gov.uk)  
**Telephone:** (01233) 330514