

Application Number	21/01506/AS
Location	Potts Farm, Chennell Park Road, Tenterden, Kent, TN30 6XA
Grid Reference	587311 134341
Parish Council	Tenterden
Ward	Rolvenden and Tenterden West
Application Description	Conversion of existing stables outbuilding to residential annexe to include areas of hardstanding and package treatment plant
Applicant	Mr & Mrs S Sidebottom
Agent	J N Atelier Designs Ltd
Site Area	118.6 sqm
(a) 3/-	(b) Tenterden TC (c) KCC Ecology 'X' 'S'

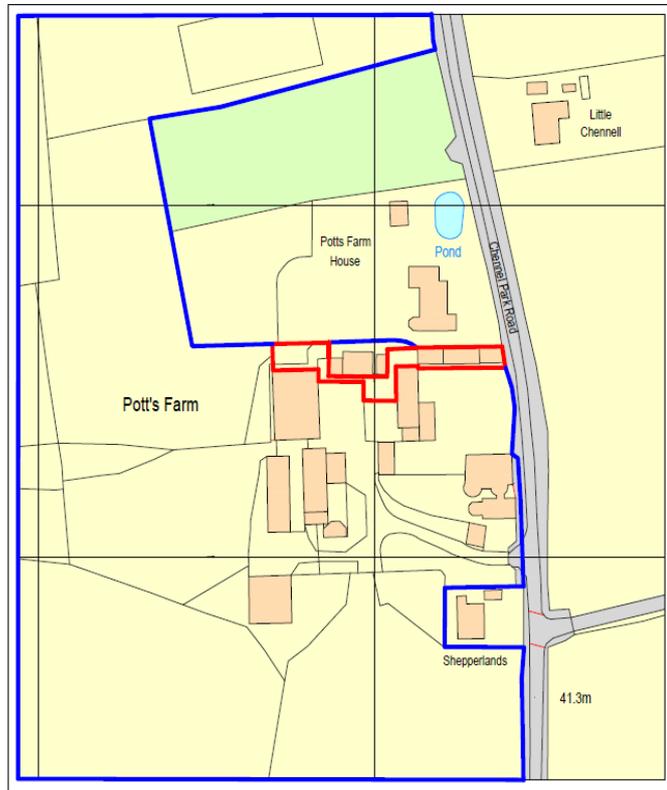
Introduction

1. This application is reported to the Planning Committee as the applicant is a Borough Councillor.

Site and Surroundings

2. Potts Farm is a working farm of approximately 60 acres with sheep and a vineyard. The original farm buildings lie to the north east of the farm yard site and they now form the residential curtilage of the site. To the west of these are more modern farm buildings that support the current farming activities. The farmland lies to the west, south and north in the AONB in Tenterden.

BLOCK PLAN (As Existing & As Proposed) 1:500



SITE LOCATION PLAN 1:1250

Figure 1 Site Location Plan

3. The dwelling house is a converted oast on the south side of the original farm courtyard. To the west of the courtyard is a large timber framed and clad barn, which has a lapsed approval for conversion to holiday let accommodation.
4. The main dwelling is a converted oast building (converted in the 1970s) and the application site is to the north (see satellite image below) of the original courtyard comprising a single storey brick building of stables and stores. In the past some of the space has been used as a studio and at some point the roof has been replaced with softwood rafters. The building is now largely unused providing just some general storage.



Figure 2: Satellite photograph of single storey proposal building to be converted to annexe

5. Also on the west side of the garden south of the timber barn is a replacement outbuilding with joint annex and holiday let uses. This is a one bedroom building originally intended for a family relative with special needs. Although the original intention was for the applicant's dependent relative to live in this annex it did not materialise for reasons reported to the Council under decision 20/00250/AS. The applicant has now decided to renovate and convert the barn into a second annex to accommodate the same dependent relative in close by accommodation.
6. In the meantime, the annex has been functioning successfully as a holiday let and is proving helpful as part of the farm's diversification and viability program.

Proposal

7. It is proposed to convert the old stables outbuilding on the north side of the old courtyard into a small two bedroom annex for applicant and her mother. The applicant's mother will be able to continue to provide the majority of the

care required by her daughter but they will both have the support of the family on the other side of the courtyard and carers as and when required. If/when there is only one of them living here the second bedroom will be used for a live-in carer.

8. There is adequate car parking on the yard to the west of the large timber barn and two parking spaces will be allocated for the stables annex on existing hardstanding to the west of the timber barn as indicated on the plans. A new path will be laid from the parking area to the west elevation of the outbuilding.
9. Conversion of the outbuilding will involve utilising existing openings in the south and west elevations with only minimal changes and maintaining masonry dividing walls. No extension of the building is required and four small rooflights are to be added to improve daylight levels – (those in the northern roof slope will be obscure glazed).
10. With minimum physical intervention, the character and identity of the existing/original building will be maintained. As mentioned, the building is presently unused and vacant apart from a little general storage which will easily be relocated in one of the other existing outbuildings.
11. In support of the application, the following documents have been submitted and their contents have been summarised:

Design and Access Statement

12. This statement describes the proposal in detail and discusses, the use, amount of development, the layout, scale of development, landscaping, appearance, access arrangements and sustainability. It seeks to demonstrate how the applicant's changed circumstances justifies the need for the proposed development and how it addresses current policies, standards and controls.

Preliminary Ecological Appraisal 2021

13. The assessment concludes the following enhancements can be applied to the site:

Suggested biodiversity enhancements are listed below, as a palette for the developer to choose from:

- *Provision of hedgehog nesting boxes*
- *If any close board fencing are to be installed around the new development, we recommend that at least 13 x 13 cm holes should be cut into the base of the fences (one per garden) to*

allow greater permeability across the site to benefit ground-based terrestrial animals (such as hedgehog).

- *Provision of ready-made bird boxes on retained trees;*
- *Provision of integrated swift bricks in new buildings (as these are often occupied by other small cavity-nesting birds). A ratio of at least two per residential dwelling, or one per 50sqm of commercial floor space is generally accepted now as good practice. It is suggested better to install them in small groups of 2/6 approx. one metre+ apart in suitable locations at a minimum height of 4 metres (5 metres is better).*
- *Provision of integrated bat boxes on new buildings or bat boxes on retained mature trees.*
- *Provision of bat friendly planting within the gardens*
- *Provision of barn owl boxes as the surrounding landscape is judged suitable*
- *Provision of owl boxes in trees*
- *Establish climbing plants on walls and other vertical structures*

Planning History

14. The following is relevant relating to the application;-

99/00418//AS	Steel framed agricultural building for housing livestock	PERM	03/06/1999
05/01703/AS	The conversion of barn to holiday accommodation	PERM	22/05/2006
17/00039/INF	Change of use, conversion and rebuild of an existing outbuilding to an annex which could also be used as a holiday let.	RO	22/02/2017
17/00751/AS	Removal of existing outbuilding and replacement with new annex building.	PERM	05/07/2017

Consultations

Parish Council –

Tenterden Town Council SUPPORTS this application on Condition that:

- (i) a clause is included that insists the annexe should not have a separate postal code and is not considered in the future as a separate dwelling;
- (ii) the Planning Officer considers ENV7 and the inclusion of rainwater harvesting;
- (iii) the Planning Officer considers the inclusion of solar panels for this application.

KCC Ecology –

Summary – Additional Information Required

We have reviewed the ecological information submitted in support of this application and we advise that additional information is sought from the applicant prior to determination of the planning application.

- *Further surveys along with any necessary mitigation measures for bats; Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in accordance with paragraph 99 of the ODPM 06/2005 which states: “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.*

Bats

Bat scoping survey confirmed the presence of a day roost used by a single brown long-eared bat into the stables building and a mitigation strategy has been proposed.

The proposed demolition of the building will result in the loss of a confirmed bat roost.

Bats are European protected species and Ashford BC must have sufficient information to address the requirements of the EC Habitats Directive when making the planning decision. It has been confirmed that offences will be committed if the works take place without a EPSML, so Ashford BC must consider whether it is likely that a EPSML will be granted by addressing its mind to the three derogation tests.

The three tests are that:

- *The development activity must be for imperative reasons of overriding public interest or for public health and safety;*
- *There must be no satisfactory alternative; and*
- *Favourable conservation status of the species must be maintained.*

We are only able to comment on the third test as the first two tests must be considered by the planning officer.

We advise that the recommended emergence/re-entry surveys must be carried out prior to determination of the planning application to ensure that all relevant material considerations are addressed in making the decision. Please note the optimum period to carry out bat emergence/dawn re-entry surveys is May to August.

The results of the surveys will ensure that Ashford BC can fully understand the impact the proposed development will have on the bat roost and understand if the proposed mitigation has provided sufficient information to maintain the favourable conservation status of bats.

Please note that whilst it is acknowledged that brown long-eared bats do sometimes use bat boxes, boxes are not generally considered appropriate compensation for the loss their roost sites in buildings and like-for-like replacement or reinstatement of existing access points and roosting sites is preferable to provision of boxes.

Therefore, it is proposed to create a bat loft in the roof space of the new residential annexe, as well as installing two woodcrete bat boxes onto near-by trees prior to the demolition works starting.

We advise that there is currently insufficient information provided to consider the three tests and we recommend submitting the bat specific survey report and details of any updated mitigation required prior to determination of the planning application.

We are satisfied with the conclusions of the ecological report which state that the tractor shed and Atcost and none of the trees present on site offered potential for roosting bats and thus no further survey work is recommended with regard to bats and these buildings and trees.

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Guidance Note 8 Bats and artificial lighting in the UK is adhered to in the lighting design for the works undertaken and the converted building. We will suggest a condition wording once the above information has been submitted.

Great Crested Newts (GCN) precautionary mitigation strategy

One pond is present within 100m, 35m to the north. Another three ponds are present within 250m. The Preliminary Ecological Appraisal (PEA) states that no surveys of these ponds have been undertaken and it is judged unlikely that any impact is expected onto GCN as long as there is less than 100 m² of current semi-natural habitat changed into new hard standing/buildings/driveway and that the Natural England's precautionary measures detailed within the PEA are implemented. The proposed site plan states that "Two areas of new hard standing both being approx 37sqm each - total approx 74sqm".

As such we advise that if planning permission is granted a precautionary GCN mitigation strategy is produced as a condition of planning permission. The strategy must provide at least the following measures to be implemented in the presence of an experienced ecologist to minimise the potential for GCN to be impacted during the works:

- Avoid any high quality habitat (including potential hibernation habitat);*
- Restricting works to the winter period (when newts are rarely active above ground), if the project would not harm hibernation habitat;*
- Keep duration of groundworks as short as possible;*
- Backfill trenches and other excavations before nightfall, or leave a ramp to allow newts to easily exit;*
- Raise stored material (that might act as temporary resting places) off the ground.*

If the proposed plans change and include the removal of more than 100m² of current semi-natural habitat, we advise that the local authority must be re-consulted for an update on this comment.

Reptiles precautionary mitigation strategy

Reptiles could be present in the area of nettles to the back of the Atcost barn. However this area of land is likely to be regularly disturbed by farming activities.

We don't require a reptile survey as the development site is small and there is plenty of suitable habitat connected to the proposed development location.

However, as the proposed development will result in the loss of habitat offering suitability for reptiles to be present, we advise to submit and implement a precautionary mitigation strategy in order to minimise any residual risk of harm or impact to reptiles.

The strategy must provide at least the following measures to be implemented in the presence of an experienced ecologist to minimise the potential for reptiles to be impacted during the works:

- The works area should be mowed using hand held machinery only (to 15cm height minimum), during sunny conditions, during the reptile active season (April to October)*
- A second cut should be given to ground level, 2 days following the first cut, during sunny conditions;*
- After 2 days, a destructive search (consisting of carefully scraping the top layer of soil with a digger with a toothed bucket under supervision by an ecologist to retrieve any animal present) should be carried out.*

We advise the precautionary mitigation strategy for GCN and reptiles to be submitted as one document and as a condition of planning permission if granted.

We will suggest a condition wording once the bats information has been submitted.

Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended).

We advise that there is a need for a breeding birds informative to be attached to the planning permission if granted.

Hedgehogs

There is some potential for hedgehogs to be present on site. Therefore, any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape.

Any clearance of boundary vegetation must be undertaken between April and October to avoid harming hibernating hedgehogs.

Biodiversity and Ecological Enhancements

Generic recommendations for ecological enhancements have been made and we advise that if planning permission is granted details of what enhancements will be incorporated in to the site must be submitted as a condition of planning permission. This is in accordance with Paragraph 180 of the NPPF "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

We will suggest a condition wording once the bats information has been submitted.

Planning Policy

15. 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 (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

Emerging Neighbourhood Plans

16. Not part of the Development Plan but noteworthy is the Tenterden Neighbourhood Plan that, although it has been out to consultation, has not yet been adopted.
17. Relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

- SP1 - Strategic Objectives
- SP2 - The Strategic Approach to Housing Delivery
- SP6 - Promoting High Quality Design

HOU3a – Residential Development in the rural settlements
HOU9 – Standalone Annexes
HOU12 - Residential space standards internal
TRA3a - Parking Standards for Residential Development
ENV1 - Biodiversity
ENV3a - Landscape Character and Design

Kent Minerals and Waste Local Plan (2016)

DM7 - Safeguarding Mineral Resources

18. 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
Public Green Spaces and Water Environment SPD 2012
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point.

Government Advice

National Planning Policy Framework (NPPF) 2021

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:-

Relevant sections of the NPPF include:

Paragraphs 11-14 - Presumption in favour of sustainable development
Paragraph 47 - Determination in accordance with the development plan
Paragraph 60 - 77 - Delivering a sufficient supply of homes
Paragraphs 92 - 97 - Promoting healthy and safe communities
Paragraphs 104 - 109 - Promoting sustainable transport
Paragraphs 119 - 123 - Making effective use of land
Paragraphs 126 - 136 - Achieving well-designed places
Paragraphs 179 - 182 - Habitats and biodiversity

National Planning Policy Guidance (NPPG)

19. Technical housing standards – nationally described space standards

Assessment

20. The main issues for consideration are:

- The principle of the development and visual amenity
- Impact on residential amenity
- Ecology
- Highways/Parking

The principle of the development

21. The principle of the aspect of the development relating to the annexe accommodation has already been accepted at this location by virtue two previous decisions (ref's: 17/00751/AS & 20/00250/AS). Policy HOU9 makes provision for annexe accommodation to a dwelling, provided the following criteria are met:

- a) The existing dwelling* enjoys a lawful residential use;*
- b) The proposed annexe would not materially harm any neighbouring uses, including the living conditions of nearby residents;*
- c) The proposed annexe is suitable in size, scale and materials and clearly ancillary and visually subordinate to the principal dwelling;*
- d) It is sited to achieve a clear dependency is retained between the annexe and the main building at all times and;*

e) The annex is sited to ensure a clear dependency is retained between the annex and the main building at all times;

f) The proposed annexe is designed to ensure it does not result in significant harm to the overall character and appearance of the surrounding area taking into account the surrounding built form and street scene.

22. There would be a direct relationship between the occupation of the annexe and that of the main dwelling and evidence has been submitted as to the genuine need for the annexe.
23. It is considered Policy HOU9 criteria a- f are addressed as follows:
- *The existing residential property is lawful.*
 - *The proposed annex will have no impact on neighbouring uses.*
 - *The size and scale of the building will be unchanged and is subservient in scale.*
The external materials will remain as existing with the inclusion of glazed doors in some of the door openings on the south elevation in lieu of the existing solid stable doors.
 - *The appearance of the building will remain subservient to the main dwelling.*
 - *The stables building is well screened from the road by a substantial brick wall.*
 - *The existing building is clearly identifiable as part of the original farm courtyard. The conversion will have a minimal impact on the existing outbuilding and will not negatively impact on the site, the main dwelling, the street scene or setting.*
 - *The buildings around the old courtyard have a clear relationship to one and other and a clear dependency on the main dwelling.*
 - *The proposal will have no additional impact on the AONB.*
24. Whilst the annexe is detached, with no link to the host dwelling, the preamble to this policy does state that a detached annexe may be acceptable in exceptional circumstances. In this case the main dwelling is an oast building and further extensions may compromise the agricultural character which the Council sought to retain during its conversion. The annexe would be subordinate in scale to the main dwelling and is sufficiently close enough to the main dwelling that its use could not easily be severed in the future (this could be controlled by condition).
25. Given this, on balance, it is considered that the development would be acceptable in principle in this case.

Future Occupiers

26. The proposed annexe is being adapted to serve a special need user with mobility requirements. As such the proposed conversion is generously proportioned exceed national standards with wide internal thresholds and mobility adapted bathroom and WC facilities.
27. The proposed development would be in accordance with policy HOU12 and HOU15 in terms of internal living accommodation / room sizes / floor area and access to existing garden. Consequently future occupiers would enjoy an acceptable level of amenity.

Residential Amenity

28. Given the absence of near neighbours to the application site, there would be no harm caused to residential amenity.

Visual Amenity and Landscape Character

29. Situated well within the rear garden of the site, and given the secluded location of the site as a whole, the annexe would not be visible from outside the wider area. The annexe would represent an acceptable, well-proportioned building subordinate in size and scale to the main dwelling. The annexe would sit in fairly close proximity to an existing garage/outbuilding and would also be subordinate to this building allowing the annexe to sit comfortably within the plot. The proposed use of materials is also acceptable and appropriate for the rural nature of the site.
30. Given the above, it is considered that the development would not result in unacceptable harm to the visual amenity of the designated countryside.
31. Policy ENV3a - Landscape Character and Design states:-

All proposals for development in the borough shall demonstrate particular regard to the following landscape characteristics, proportionately, according to the landscape significance of the site:

- a) Landform, topography and natural patterns of drainage;*
- b) The pattern and composition of trees and woodlands;*
- c) The type and composition of wildlife habitats;*
- d) The pattern and composition of field boundaries;*
- e) The pattern and distribution of settlements, roads and footpaths;*
- f) The presence and pattern of historic landscape features;*
- g) The setting, scale, layout, design and detailing of vernacular buildings and other traditional man made features;*
- h) Any relevant guidance given in the Landscape Character SPD;*

i) Existing features that are important to and contribute to the definition of the local landscape character shall be retained and incorporated into the proposed development; and,

j) Any non-designated, locally-identified, significant landscape features justified in a Parish Plan or equivalent document.

32. With regard to Policy ENV3a and the 'Landscape Character Area' the existing building and proposal :

- *The location, form, scale, material and design of the existing building already enhance the character of the landscape and the development will provide a new sympathetic and positive purpose and use for the building which will help to maintain and enhance its special features and character going forward.*
- *The proposed design has regard to the AONB guidance and ENV3a.*

33. Given the above, it is considered that the development complies with the requirements of Policy ENV3a and would not result in unacceptable harm to the visual amenity of the designated countryside.

Ecology

34. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. Policy ENV1 of the Local Plan is consistent with the guidance contained within the NPPF.

35. The site is small in size and considered low in ecological value. The barn has been largely unused/ provided domestic storage for many years. The site is likely to support a low population of bats, reptiles, including slow worms and common lizards and nesting birds.

36. KCC Biodiversity are satisfied with the ecological approach and information submitted but have requested further ecological information to be submitted in order to determine the application, relating to (1) bats, (2) reptiles to the rear of the barn and (3) nesting birds. The ecological report states that the building present on site offered negligible potential for roosting bats and nesting birds and therefore no further survey work is recommended. However the report recommends a list of ecological enhancements recommended including

further Bat & Owl Surveys at the appropriate time in the season. The PEA also sets out a reptile mitigation strategy to compensate for any disturbance to habitat caused during conversion works. However as the proposed works generally affect the internal areas it is considered a mitigation strategy is appropriate in this case.

37. While KCC suggest that the surveys should be carried out prior to determination of the planning application, the applicant's agent counter argues this is at odds with the planning system timelines and the need for these such surveys to relate to the most recent 'optimal season'. It is considered that a planning condition is imposed to require further field survey investigation to take place and also the biodiversity enhancements summarised at Para 13 are properly followed through at the appropriate optimal season so as not caused any unreasonably delay to the decision making process.
38. In light of the above it is considered that the proposal would not adversely impact on matters of ecological interest subject to the imposition of these conditions.

Highway/ parking

39. Vehicular access to the subject site is established and not affected by the proposal other than by the need for an additional parking space. The proposed layout plan has two parking spaces. There is adequate space within the application site to accommodate parking for cars as well as cycle parking in accordance with adopted policy standards set out in policy TRA3a of the Local Plan 2030.
40. In conclusion, based upon the annexe dwelling proposed and parking provision accommodated within the site, I do not consider that the proposal would result in any demonstrable adverse highway impacts. Therefore, in terms of highway safety, the proposed development would comply with the relevant policies in the development plan.

Human Rights Issues

41. 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

42. 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

43. The site is located within confines of an existing residential plot where residential annexe development and infilling of a modest scale that can be satisfactorily integrated without causing harm to existing amenity. The proposal is considered to be acceptable in accordance with policy HOU9 of the Ashford Local Plan 2030.
44. The proposed development would be in accordance with policy HOU12 and HOU15 in terms of internal living accommodation / room sizes / floor area and access to existing garden.
45. The proposal is in accordance is Policy HOU9 as there would be a direct relationship between the occupation of the annexe and that of the main dwelling and evidence has been submitted as to the genuine need for the annexe.
46. Suitable planning conditions can be imposed to mitigate the ecology requirements set out by KKC and under Policy ENV1, which states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.

Recommendation

Permit

Subject to the following Conditions and Notes:

Permit

1. Standard time condition.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.

5. No flues, vents, stacks, extractor fans or meter boxes to be located on the rear elevation.
6. Roof lights to be obscured glazing
7. Two parking spaces shown should serve the annexe
8. Cycle storage and refuse facilities should be built as shown on approved plan in accordance with policy TRA3a.
9. Details of boundary treatments.
11. Removal of permitted development rights for extensions, alterations, outbuildings and means of enclosures.
12. Occupation as an annexe to the main single dwelling house only.
13. Reptile mitigation strategy to be carried out in accordance with Preliminary Ecology Assessment dated 30th October 2021.
14. Biodiversity enhancements as specified. All works to the eaves and any tile hangings should be carried out in accordance with the Preliminary Ecology Assessment dated 30th October 2021.
15. Bat and nesting bird(s) survey to be undertaken in accordance with the PEA prior to any construction works impacting either existing roof rafters or proposed hanging tiles/replacements. Appropriate mitigation put in place depending upon the results.
16. Electric Vehicle Charging point.

Notes to Applicant

1. Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive 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,

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- 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.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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 //AS)

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