

Application Number	21/01406/AS
Location	Land between Tyle House Farm and Mount Pleasant, Stocks Road, Wittersham
Grid Reference	90236/27409
Parish Council	Wittersham
Ward	Isle of Oxney
Application Description	Erection of 28 no. dwellings and 2 self-build plots with associated parking, access and landscaping
Applicant	DHA Planning
Agent	DHA Planning
Site Area	2.52ha

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member for Isle of Oxney, Councillor Michael Burgess in the light of the Officer recommendation to refuse planning permission.

Site and Surroundings

2. The site (2.52ha excluding the drainage works area) is part of an extensive field (9.7ha), currently in use for arable farming, on the eastern edge of the village of Wittersham. The residential properties lie to the west of the site, whilst to the east is the remainder of the field, with a small group of three residential properties beyond. To the north is the open countryside whilst to the north-west, the site abuts the Jubilee Field and Forge Meads, residential estates within the village. To the south, and opposite the site across Stocks Road, is Hillview Garage and a number of residential properties.
3. The site lies within the designated High Weald Area of Outstanding Natural Beauty (AONB) and adjoins the boundary of the Wittersham Conservation Area (CA) to the west. The southern and western boundaries of the site are characterised by mature planting and hedgerows, including along the boundary with Stocks Road, with three trees subject of a Tree Preservation Order (TPO) in the south western corner adjacent to an existing pond. It is understood that there are two ponds on the site, one infilled and forming a shallow depression in the south-eastern part of the site, the other is a larger standing water feature

located in the south-western corner adjacent to the rear boundary of Tyle House and Tyle Oast. Public Right Of Way (PROW) AT91A runs north along the western boundary of part of the site from Stocks Road towards Jubilee Field and Forge Meads.

4. The site currently comprises overgrown/unmanaged grassland. The site's southern boundary with Stocks Road comprises a continuous mature hedge. It is an important visual feature in the area which positively contributes to the character and appearance of the AONB.

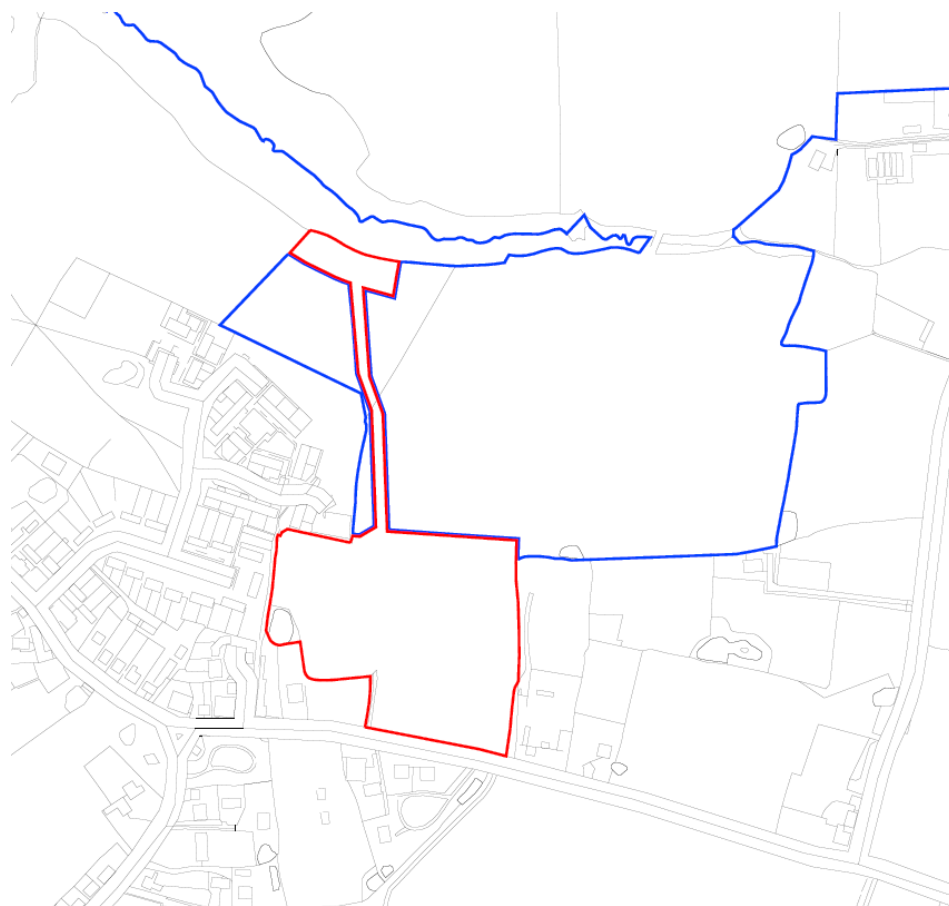


Figure 1: Site Location Plan



Figure 2: Aerial View

Background and Proposal

5. The proposal seeks permission for the erection of 28 dwellings and two self-build plots with associated access, landscaping and parking. The mix of housing for this proposal includes 3 x 1 bedroom dwellings, 11 x 2-bedroom dwellings, 5 x 3-bedroom dwellings and 9 x 4-bedroom dwellings and two self-build plots. The proposals include 40% affordable housing and 60% private market housing which equates to 12 affordable units and 18 private units (including 2 self-build plots). Of the 12 affordable housing units, 7 houses would go towards meeting the local need identified within Withersham and the remaining 5 houses would go towards meeting the Borough-wide need with preference given to individuals with a local connection. The submitted Financial Viability Assessment (FVA) concludes that 18 market homes are required to make the scheme viable.
6. The proposed development would result in the creation of a new access off Stocks Road. It also includes the creation of a new footpath connection off Stocks Road. The site layout incorporates a central spine road that runs from north to south with subsidiary branching leading to the proposed mini clusters of dwellings across the site. The self-build plots are sited along the front to the east of the site entrance. The market dwellings are arranged on either side of the road with the southwestern corner of the site reserved for affordable

housing. The site plan includes amenity copse areas and a green corridor to the eastern side of the central spine road.

- The majority of the proposed dwellings would be generally two storeys in height and would incorporate a consistent palette of materials including brick, cementitious cladding, plain tiled roofs, UPVC fenestration (for affordable housing) and black powder-coated metal fenestration (for market housing). The Design and Access Statement includes design guidelines for the self-build plots which make it apparent that the intention would be to have two storey dwellings of 3/4/5 bedrooms with garages or carports. The application proposes 59 resident car parking spaces (of which 10 are tandem parking spaces) and 7 visitor parking spaces would be provided within the site.

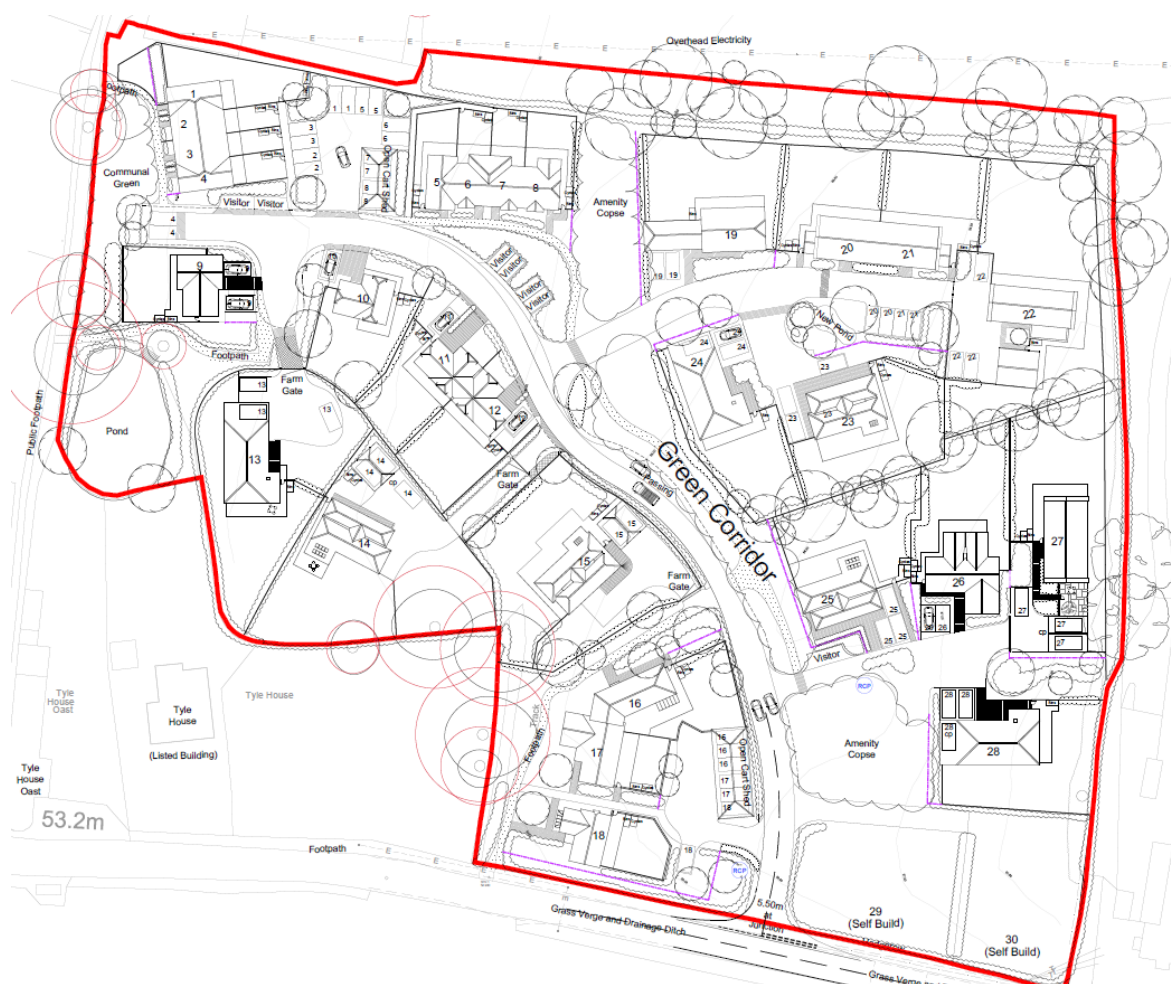


Figure 3: Proposed site layout

Planning History

- The following planning history is relevant to the application site.

9. TPO No.18 1986 covers two oak trees and one birch on the south eastern boundary of the site to the rear of Tyle Oast and Tyle House adjacent to a pond and the PROW which runs along the eastern boundary of the site north from Stocks Road to Jubilee Fields
10. 15/00005/EIA/AS: Screening opinion for Development of 27 houses including 10 affordable houses with access, landscaping and open space

This application is related to the application site. The Local Planning Authority (LPA) concluded that it was not EIA development. This site along with the eastern portion of the field ring-fenced as phase two of these proposals has been shortlisted as a possible residential land allocation through the Strategic Housing Land Availability Assessment (SHLAA) process for the emerging Local Plan.

11. 15/00459/AS - Outline planning application for the development of 27 houses including 10 affordable houses and proposed vehicular access onto Stocks Road, associated landscaping and open space with some matters reserved. Refused and dismissed at appeal.
12. 21/00115/AS - The construction of 28 no. dwellings and 2 self-build plots with associated parking, access, landscaping and open space on land to the north of Stocks Road – Withdrawn.
13. 21/00001/EIA/AS - Screening opinion for the residential development of 30 dwellings and associated access, landscaping and open space.

This application is related to the application site. The LPA concluded that it was not EIA development.

Consultations

14. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the occupiers of 180 properties in the vicinity of the application site.

High Weald AONB Unit

In summary, the High Weald AONB Unit objects to this proposal on the following grounds:

- The proposal constitutes major development under NPPF 177 and no evidence has been submitted to demonstrate that the local housing needs

- cannot be met in another way, such as through smaller scale developments around the village;
- Without prejudice to this in principle objection, the proposed design fails to take account of the details of the High Weald Housing Design Guide, as set out in this letter;
 - For the above reasons the development would not conserve and enhance the natural beauty of the High Weald AONB and would therefore be contrary to Policy HOU5 and NPPF 176 and 177.

Woodland Trust

The Trust notes that the Site Location Plan shows that the site boundary for this development extends adjacent to Church Wood, an area of ancient woodland designated on the Ancient Woodland Inventory. Whilst there is limited reference to the proposed use of this area in the application documents, we have determined that an attenuation basin is to be located adjacent to Church Wood.

Based on the map provided within the Flood Risk Assessment, it does not appear that a buffer zone is to be afforded to Church Wood. We advise that a buffer zone of at least 15m should be afforded as per Natural England's Standing Advice and that the Trust would like to lodge **a holding objection** unless a suitable buffer zone is provided.

Environment Agency

No objection.

ABC Housing Services

Under Local Plan policy, the site lies within the rural area as identified and defined in Policy HOU1 in the borough council's Local Plan. Therefore, the policy compliant position means there will be an expectation of 40% affordable housing being delivered within this scheme. Consistent with the policy, 10% of the total dwellings should be made available for affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).

The application suggests that 30 homes are coming forward on the site (including two self-build plots). Therefore, the policy compliant position would see 12 units coming forward as affordable housing on the site – as identified in the applicant's application form.

We would require 3 units for affordable rent and 9 units for affordable home ownership, 6 units of which must be for shared ownership and 3 units for either shared ownership, or an affordable home ownership product, to be agreed with the development partnership manager within the authority.

We would expect the properties to meet the Nationally Described Space Standards. In the case of any 1-bed homes we would expect to see 2 bed spaces provided, in the case of any 2-bed homes we would expect four bed spaces to be provided and in the case of 3-bed homes we would expect five bed spaces to be provided. We note that this is largely the case with the proposed accommodation schedule, and this meets with our approval.

We note that plots 1-12 have been earmarked for affordable housing. These units are 3 x 1-bed bungalows, 6 x 2-bed houses and 3 x 3-bed houses. The Local Needs Survey for Wittersham states that there is a need for 3 affordable rented properties in Wittersham – these being 2 x 1-bed and 1 x 2-bed homes. Our current waiting list though indicates that there are five people expressing a need for a 1-bed home, each stating a local connection, aged over 50. So we would be happy to take the three 1-bed bungalows as affordable rent properties and leave the other properties for shared ownership/affordable home ownership.

This works as we are currently concerned about the feedback from RPs on shared ownership flatted units, so we hope that only houses will be provided for shared ownership, and being a rural area we agree that the units will be small-to-medium sized, so as to stay within reach of potential buyers.

We would, though, ordinarily expect the units to be spread throughout the site rather than positioned in just a cluster. This is integral to creating a mixed and balanced community and would ask that this is looked at again, rather than the units all being to one side of the masterplan. Most importantly, we would also expect the affordable housing properties to be visually integrated into the site and not discernible from the open market dwellings – this is essential and referenced in the new Social Housing White Paper.

In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable. The onus is on the applicant to indicate the specific plots that will be provided within this standard.

The council's position regarding DPA waivers has been adopted at Cabinet in October 2019. This sits within the council's affordable housing delivery plan. The Head of Housing's proposed policy position in a designated protected area is to mirror the position outside of a designated protected area and allow unrestricted staircasing to one hundred percent (100%) equity value of a dwelling, save for affordable housing proposals in a rural exception site (coming forward under HOU2 of the Ashford Local Plan to 2030).

Reconsultation response received on 01 April 2022

This is not in our view a local needs site. In our view this would be a local connection site, whereby on new build sites in rural locations, that are not exception sites, we will offer 100% of the properties to those applicants with a local connection on first let. Subsequent lets will be as per the usual lettings policy criteria as detailed above.

KCC Highways

I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Each dwelling to have an electric vehicle charging point provided. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.
- Highway improvements of new footway link and relocated 30mph gateway as shown on drawing 13452-H-02 to be implemented prior to first occupation.

KCC Archaeology

Views not received.

KCC Drainage

Response received on 17 August 2021: Kent County Council as Lead Local Flood Authority understand from the Planning Statement (July 2021) that the

previous application under consultation reference number 21/00115/AS was withdrawn and a fresh application has been submitted.

From the suite of information provided, it is clear that the layout/ design of the site has not been changed and the Flood Risk Assessment produced by DHA Planning for the previous application is still valid for this planning submission. As there is no change in the layout and FRA report, our comments made in respect to the previous planning submission are still current. For ease, our previous comments are copied below:

It is understood that the 375 mm outflow pipe from the development and basin are presented as being within a thin strip of red line boundary. It is not ascertained at this stage whether these features are within the ownership of the applicant or have a future access/ maintenance arrangement in place. This is essential to ensure a drainage outfall can be secured.

It is noted that the outfall from the basin has a proposed connection into a 225 Southern Water sewer that discharges to the watercourse. Permission for this connection should be established with Southern Water. Alternatively, a separate outfall to the ditch could be designed should connection to the sewer not be possible.

The LLFA would require 'for construction' drainage layout drawings, annotated with pipe numbers, manhole cover and invert levels and key drainage features (such as attenuation devices, flow controls, soakaway locations etc.).

The LLFA have been contacted by residents in regards to the on site pond at the south western corner of the site. It has been highlighted to us that there may be a connection from the pond that contributes to the drainage network along Stocks Road. The LLFA would seek that the pond is investigated for outfalls and its off site contributions. Whilst no additional contributions/flows are proposed into the pond, there are known drainage issues within Wittersham and should a connection be identified, there may be opportunities to improve upon the existing situation.

The Drainage Layout drawing within the report shows the access road onto Stocks Road crossing over an existing roadside ditch. This may require future works to the watercourse to facilitate the crossing. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Further details of the consenting can be found at: <https://www.kent.gov.uk/environment-waste-and-planning/flooding-and-drainage/sustainable-drainage-systems/owning-and-maintaining-a-watercourse>

The LLFA would be satisfied to receive the additional information up front covering points 1-4 prior to determination. Should the documents not be provided, we would advise that a pre-commencement detailed design condition is attached to this application.

Reconsultation response received on 22 March 2022

Kent County Council as Lead Local Flood Authority understand from the Cover Letter by DHA Planning (October 2021) that amendments to the layout of the site have been made and the Flood Risk Assessment report has been updated to suit these changes.

The LLFA have subsequently reviewed the updated FRA and have no further observations/ comments to make. In view of this, we would refer back to our previous consultation response sent on the 17th of August 2021.

KCC Ecology

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

- Further surveys along with the necessary mitigation measures for great crested newts;
- Further surveys along with the necessary mitigation measures for reptiles;
- Further surveys along with any necessary mitigation measures for dormice;
- 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.*

Reconsultation response received on 28 March 2022

No objection subject to conditions.

NHS Clinical care Commissioning Group

NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in East Kent and is the body that reviews planning applications to assess the direct impact on general practice. I refer to the above full planning application which concerns the proposed residential development comprising up to 30 dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will

require mitigation through the payment of an appropriate financial contribution. In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

Total chargeable units = 30

Total contributions requested = £27,540

Project: towards refurbishment/reconfiguration and/or extension of Ivy Court Surgery within Ashford Rural PCN and/or towards new general practice premises in the area.

KCC Developer Contributions

	Per Dwelling (x30)	Total	Project
Community learning	£16.42	£492.60	towards additional resources and classes for additional learners from development at Tenterden AEC
Youth	£65.50	£1,965.00	Towards additional resources for Youth services in Ashford Borough
Libraries	£55.45	£1,663.50	Towards additional resources and bookstock for the mobile library service attending Wittersham for the new borrowers generated by this development
Social Care	£146.88	£4,406.40	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
			All Homes built to Wheelchair Accessible & Adaptable standard in accordance with Building Regs Part M 4 (2)
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>		
Highways	<i>Kent Highway Services will respond separately</i>		

KCC PROW

I reiterate the request made in my response to the previous application for this site: As the proposal does not directly affect the public path I raise no objections to it. However, given the proximity and the proposed link to the public path which will increase use I request a sum of £5000 be secured by Section 106 agreement to improve and widen a length of footpath AT91A alongside the development.

Natural England

No objection.

ABC Planning Policy

The proposed development represents major development in the AONB, and in its current form lacks evidence to demonstrate that the scheme meets the criteria in policy HOU5. Until such time that clarity is provided with regard to the type of affordable housing proposed, together with evidence to substantiate that the local needs housing cannot be delivered by any alternative mechanism, there do not appear to be any exceptional circumstances/planning benefits arising that would outweigh the objection in principle.

ABC Landscape Officer

The proposed landscape buffer that could support good-sized trees would need to be 15m in width, it is shown as just 5-8m. Therefore, the development would not be HOU5 compliant.

ABC Environmental Health

We would like to request the application of the following informative as part of any consent granted:

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

We note that the development includes residential dwellings. To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality we would request the application of a condition to provide electric vehicle charging facilities on driveways etc;

ABC Heritage/Conservation

I consider that the proposed development would result in harm to the setting of Wittersham Conservation Area, to the non-designated heritage Assets and to a lesser degree the Listed buildings. I also conclude that that harm is less than substantial, but that in the case of the impact on the Conservation Area, it is nonetheless unacceptable and that the public benefit in creating more housing would not outweigh the harm. Therefore the proposal would fail the NPPF test, would be contrary to Policy and consequently I recommend refusal.

ABC Culture and the Environment - S106 Open Space Contributions

S106 SUMMARY: CULTURE CONTRIBUTIONS:				
PUBLIC OPEN SPACE:	Off-site capital provision:		Commutated maintenance sum	
	£/dwelling	Total	£/dwelling	Total
Informal/natural	434.00	13,020.00	325.00	9,750.00
Play	649.00	19,470.00	663.00	19,890.00
Allotments	258.00	7,740.00	66.00	1,980.00
Strategic Parks	146.00	4,380.00	47.00	1,410.00
Cemeteries	284.00	8,520.00	176.00	5,280.00
SPORT PROVISION:	Off site			
Outdoor Sport	Capital contribution		Pitch maintenance 10 yrs	
	£/dwelling	Total	£/dwelling	Total
Changing room		15,240.00		
Pitches		10,862.00		
Totals outdoor sport	870.07	26,102.00	517.67	15,530.00
Indoor sport	Capital contribution			
	£/dwelling	Total		
Artificial pitches		2,200.00		
Sports halls		13,471.00		
Total indoor sport	522.37	15,671.00		
CULTURAL PROVISION:	£/dwelling	Total		
Arts Sector	338.40	10,152.00	Off site	
Voluntary Sector	87.00	2,610.00	Off site	

Informal/natural: Parish provision; investment within the parish; Parish Council to advise on project.

Play: Parish provision; investment within the parish; Parish Council to advise on project.

Allotments: Parish provision; investment within the parish; Parish Council to advise on project.

Strategic Parks: When funding is available the investment will be towards a Strategic Park site as identified in the Local Plan 2030, COM2. To be either a contribution towards provision of Conningbrook Lakes Country Park, to include fees, infrastructure works and management and maintenance of CLCP. Or, contribution towards provision of Discovery Park, to include fees, infrastructure works (including land purchase) and management and maintenance of Discovery Park.

Cemeteries: Parish provision; investment within the parish; Parish Council to advise on project.

Sport: Either parish provision; investment within the parish; Parish Council to advise on project. Or, capital contribution to go towards indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30. Contribution towards outdoor sports pitch provision at Ashford, to be targeted toward quantitative or qualitative improvements at the

'hubs' identified in the Local Plan 2030, and as per the Playing Pitch Strategy 2017-30.. Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.

Arts sector: Parish provision; investment within the parish; Parish Council to advise on project.

Voluntary sector: Parish provision; investment within the parish; Parish Council to advise on project.

Requirement for Cultural Improvements

- A contribution is required for off-site contribution towards the arts sector: £10,152.00. Parish provision: Parish council to advise on any project. A contribution is required for off-site contribution towards the voluntary sector: £2,610.00. Parish provision: Parish council to advise on any project.
- The above comments on the level of S106 contributions should not be taken to indicate that Cultural Services will approve the scheme.

Note that all the sums detailed will require indexation:

- Open space typologies from 2012
- Voluntary sector from 2018
- Public Art from 2016
- Indoor and Outdoor Sport from September 2021

Wittersham Parish Council - Supports this application

Background

This re-submitted application (previously listed as 21/00115/AS and withdrawn by the applicant when it ran out of time) was considered by the Parish Council ("the council") at its meeting on 9th September 2021 and the proposals were supported once again.

Owing to the council's risk assessment ruling out inviting members of the public to a meeting at the village hall in present circumstances, a Zoom meeting on 7th September accommodated residents who wanted to comment, after which the formal meeting of the council on 9th September was held outdoors. The latter included a further public session, speaking restricted to those who had not attended on 7th. In total approximately 25 residents attended the two meetings.

Considerations

Councillors considered a number of points raised by residents at the two meetings plus those submitted to the council in writing and/or on the ABC portal, before giving their individual reasoning after which a formal decision was reached by vote. Since the scheme now re-applied for was the same as that considered at great length in February, councillors desisted from repeating every point made previously, yet the two meetings ran to over three hours.

Need: A housing survey conducted by ACRK for the council in 2019 using the ABC template indicated an anticipated need (28% response rate for the proportion who completed the survey) for 7 affordable houses and 7 market houses, the latter largely for older households contemplating downsizing.

Councillors recognised the value of the range of property sizes in the application in both affordable and market sectors, the significant number of bungalows and the inclusion of self-build plots, bringing forward a great degree of flexibility for the future.

The council had previously been reassured that all affordable housing would be conditioned to be made available first for proven local needs, followed by a cascade, and the same condition would be re-applied at the time of every future vacancy, in perpetuity.

AONB: Wittersham lies in its entirety in the AONB which has often been argued by residents to preclude building in any significant numbers. While the council recognises the strong presumptions in national and planning authority policy in favour of the protection of AONB land, it is also clear that this protection is not absolute: cf. the inclusion of site S.61 in the draft ABC Local Plan (although it was later excised by the Inspector, owing largely to its importance to amenity in the centre of the village, a point that does not arise in this application as it relates to farmland lying on the edge of the village.)

The council also noted in this regard other recent significant housing developments within the AONB locally, such as at Rolvenden.

Market Housing: The council considered the mix in the proposals of 12x affordable properties and 18x market properties (including 2x self-build). It heard views from residents in favour of affordable properties, but not for the market housing which those local residents in attendance generally rejected any need for.

Councillors had seen the latest Viability Study demanded by ABC and its conclusion that the site already fell below standard viability criteria once the ABC-prescribed mix of 40% must be financed.

The council would object to any move to reduce the proportion of affordable housing or to upscale the market housing numbers and sizes in consequence of this reported conclusion. The council continues to support the proposed market housing provision to support the recent housing needs survey and to ensure an active, thriving and economically viable parish.

Speeding traffic: Residents have long expressed concern about the speed of traffic along Stocks Road which the council acknowledges and it notes the proposal by the applicants to extend the 30 mph zone eastwards by 120 m. The council would prefer the 30 mph zone to extend further east, to beyond the 'T' junction at Acton Lane, since visibility at the 'T' is impaired and accidents there are well known (a councillor lives on that corner).

The opportunity this would provide to find a more effective location for the parish SID (speed indicator device) than the somewhat ineffectual location currently meeting KCC requirements would be very advantageous, and would also support a prospective SpeedWatch campaign on that stretch.

Foul and Surface Water: The sewage system within Wittersham suffers from regular problems in several well known areas, which are deeply unacceptable to residents and long overdue for resolution by the drainage authority, Southern Water (SW).

If consented, the developers of this scheme will be free to connect to the mains system through an agreement with SW. Even though some amelioration through use of a pumped holding tank is understood to be planned, the proposals still cannot but add further load on the collection network, and exacerbate any unpleasant results that would arise from the blockages that occur from time to time.

The council looks to ABC to apply pressure on SW to make the necessary improvements to pinch points and similar in the Wittersham network as a matter of normal public policy and public health, especially if the scheme is to be consented, and the council wants to see that as part of its support. One councillor's vote for objection to the application was specifically made in response to ongoing problems in Wittersham's foul drainage network.

Surface water is also a problem in Wittersham because of the low-permeability of the base layer of clay and these proposals include piping surface water drainage from roofs and hard surfaces via an attenuation pond to the stream lying to the north. So far so good. The council would ask that the planning authority's technical experts, if consent is to be given, ensure that this degree of amelioration of the total expected rainfall on the overall site would be sufficient to avoid flooding of the open areas without further steps being needed to channel the run off (apart from the ponds included within the plans), or if not, to ensure a suitable solution is added to the plans.

The present surface water run-off onto the B2082, including from a neighbouring site, is unacceptable and will need resolution, either within these plans (if consented) as part of proposals for the footpath to the village, or otherwise.

Footway: Discussions have taken place with the developer in respect of the proposed footway on the north side of B2082, and it is hoped these might continue with a view to seeing if a better solution is available.

Residents have raised whether the proposed footpath is actually deliverable, but in that case an alternative might be available within the council's control, which would require further discussion, perhaps dealt with as a reserved matter.

Illumination of streets and footpaths: In noting that footpaths and roadways will be largely separated, that Wittersham lies within a genuine Dark Skies area, and night time illumination can have a marked effect on wildlife, it was asked that careful consideration be given to any illumination included in the scheme. In view of the layout, reliance on low-level lighting of paths and minimal lighting of roadways might be a suitable solution.

Loss of Agricultural land: The council has heard from residents on a number of occasions their concern over the potential loss of “High Grade” agricultural land were this site to be built on. It was noted previously that an online map from Natural England reports all land within the hilltop area of the parish, i.e. all of Wittersham village, falls within Grade 3 (out of 5 grades), described as Moderate to Good, which matches the heavy clay and poor drainage. The council has therefore ignored that point.

S.106 considerations: The developer has made clear his willingness to discuss suitable contributions with the council and certain ideas have been floated informally, but no firm conclusions have yet been reached.

Having now reached the point of renewed support by the council for the proposals, such discussions must be renewed alongside those with ABC. The last financial calculations from ABC for possible s.106 contributions from this scheme were cumulative with a second scheme, since refused by ABC, and will therefore need to be recalculated by ABC before progress can be made.

Proposed Conditions etc: The council asks that the planning authority ensures the following points are included within a consent for the scheme, if granted, either within the final plans or by means of conditions, to:

- ensure that a legally sound provision is made to require the affordable housing to be assessed first on a local needs basis on first occupation and at every subsequent re-letting in perpetuity.
- provide for the future maintenance of all internal roads, paths and landscaping of the common areas without recourse to the council;
- ensure that any lighting scheme for roads and paths meets Dark Skies standards;
- ensure that steps are sufficient in the agreed foul water drainage plan to avoid future occasions of foul water flooding into village streets from the public drainage system whenever excess volumes arise;
- ensure that arrangements for surface water drainage within the site are sufficient to cover expected peak rainfall without flooding the open areas, and that surface water presently flowing from the site onto B2082, and thence within and alongside the area shown in current plans for the new footpath, are suitably accommodated without water continuing to run down the public roadway;
- ensure that an extension of the 30 mph zone to the east by at least a minimum 120 m is agreed by KCC and put into effect, together with signs, sharks teeth and peripheral ‘gates’ before construction begins;
- provide that the usual terms of the Considerate Constructors Scheme or an equivalent and limits on working hours apply, including the need to prevent

carrying mud/clay etc onto the B2082 (which slopes downwards from the site access into the village centre).

- ensure that financial contributions to the parish under s.106 arrangements are carried forward into final conditions if the scheme is consented.

Summary: Councillors considered the detailed plans put forward with the application, the answers they heard previously from the developers, the many points made by residents during an earlier 90-minute public meeting and a further hour plus of public session during the council meeting, and concluded that the proposals should be supported.

Weald of Kent Protection Society

1. This is a very opportunistic application that tries to use ABC's Policy HOU2 for a purpose it was not intended for, and even then appears to miscalculate the local needs requirement of the village to gain its end, and pushes the envelope on numbers of market housing. In any event, HOU2 was intended to be used by responsible entities such as housing associations, not a development-middleman such as the actual applicant here, UK Land Investors, who if they get planning permission will take their cut and sell it on to developers who will also make a big profit.
2. This is AONB, outside the village confines, extending well into open countryside and along the road. It would lead to a loss of valuable green space, and to ribbon development, damaging the village. The land is also classified as Grade 2 agricultural land and should not be lost.
3. Such a development is also not sustainable as Wittersham is relatively isolated and on difficult roads to travel to work, especially in Winter. The bus service is only once every 2 hours during the day, hopeless to prevent almost every resident using their cars. And of course only a very small portion of the population can fit on a bus.
4. It is worth emphasising that the last section of HOU5b, 'and/or has access to sustainable methods of transport to access a range of services', was added to the draft Local Plan 2030 after the consultation and is a disaster. It has allowed developers to open the floodgates to unsustainable developments on village edges using the argument that there is a bus service. But everyone uses their cars as the bus services are so inadequate, so it actually defeats the aims of much of the Local Plan. It should be removed at the next revision of the Plan. This is one of the most speculative, profiteering and unsavoury applications we have come across, a perfect example of the unacceptable face of capitalism at the expense of both sustainability and the countryside.

Public representations

15. The council received fifty-seven responses objecting to the application. The comments are summarised below:

Objection

- Dismiss this application because the reasons for dismissal in the past and past objections are likely to remain similar.
- It does not take account of the fact that the attenuation basin is directly adjacent to ancient woodland and the receiving watercourse is in fact a gill stream located in the ancient woodland.
- There are no exceptional circumstances for such a major development in an AONB.
- The site is on 'pure' unspoilt and untouched agricultural land, outside the village red line development boundary. There is no way that it can be considered to 'enhance or at least preserve' the character or appearance of the conservation area. It would also create a precedent for further 'ribbon' development along Stocks Road.
- The site layout does not promote good design sufficiently.
- Infrastructure/sustainability - The local drainage/sewage system is already at capacity with regular overflows onto the roads in both The Street and Swan Street – the developers have offered any solution in their submission.
- Traffic - The access is directly onto a busy main road where traffic is often speeding despite the 30 mph limit.
- Affordable housing need (identified as seven properties based upon a 2019 survey) - Four such houses built recently by Ashford BC only found two local purchasers, so this demand is not supported empirically.
- Too many homes for the water, electricity and sewage
- Insufficient infrastructure
- School too small
- Transport links are far from good
- Drainage problems in the village
- Wildlife on this site will suffer
- Traffic problems and flooding issues
- This development is in an AONB and will be detrimental to the look of our village.
- The wildlife and insects will suffer.
- The 4 local housing needs houses already built in Wittersham were only taken up by two residents the rest came from outside.
- It will seriously destroy our village.
- The infrastructure just will not cope.
- The local water treatment site is already barely able to cope with amount of waste the village produces already, as was highlighted by the fat blockage last year. The river Rother being a discharge point for treated water and drains/ sewage being overwhelmed by heavy rain. This amount of further houses would only make things worse.
- As far as I can see on the plans, none of the houses have additions to help combat climate change. Why have the houses not got solar panels or ground source heat pumps build in, for instance. Climate change action needs to happen now with all new builds.
- There is no local need for this amount of housing in the village. Wittersham is a picturesque small Kent village. There is no need to turn it into a housing estate, covering productive agricultural land and green space, especially in an area of natural beauty. The massive house building in Ashford, Tenterden,

Headcorn, in recent years, should have easily been enough new housing for the direct area.

- dangerous road, blind exit, sewage can't cope with the amount of housing already here, watermains already inefficient, already no parking available in village, cars, vans, all parked overnight, on grass frontage and pavements, school oversubscribed.
- The artist's drawings of houses, as attractive as the design appears, gives no indication of the fact that the village is on an island, accessed via narrow, winding, badly maintained roads which cross two rivers. I might add that, in my observation, in winter this field is waterlogged and overflows into adjacent properties.
- The number of houses in this planning application vastly outnumbers the actual housing needs of the local community and is in a rural area with no gas main, inadequate sewerage systems, poor phone and internet connection.
- The number of houses already built locally has heavily impacted doctors surgeries and schools and has caused traffic congestion on badly maintained, narrow roads inadequate for such large volume usage.
- The development of this site is without any doubt detrimental to the Area of Outstanding Natural Beauty and to the intrinsic nature and character of the village of Wittersham.
- Adversely affect the intrinsic character and beauty of this area of countryside and would fail to conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty contrary to paragraph 115 of the NPPF.
- would neither preserve nor enhance the character and setting of the designated Wittersham Conservation Area.
- There is no local need for this quantity of housing - and no infrastructure to support it. The school is oversubscribed due to the success of its teaching staff, the drainage is already inadequate and there is a lacking bus service. We have put these points forward so many times before.
- Any assessments made on the traffic levels through the village in the last twelve months would be inaccurate due to the Covid 19 lockdowns.
- Car use and car dependency hasn't. 28/30 households house a large number of people and pets who need goods and services which cannot be obtained within walking distance. Nearest towns remain distant at 9km and 12km. Now there is no public house (erroneously claimed to exist in the D&A 2.5.1 it closed in 2018) and no Post Office, no pharmacy, no cafe, bakery or even Farm Shop. Yet the site's developers promise only 'modest vehicular trip generation' on 'lightly trafficked and low-speed local road network conducive to on road cycling' (Design & Access statement 2.3.4).
- Work/life balances have. Covid has affected the way people work from home, use their leisure and seek to socialise outdoors. That suggests that gardens will be desirable but the design of these plots, fitted into the tight weave of a 'sylvan' landscape, do not offer new homeowners ample gardens for leisure or horticulture.
- Buildings, outbuildings, roads and footways are to be constructed in one go, with new landscaping that won't immediately clothe the site or give shelter. They may form a 'close' or 'estate' of new build but never knit into the village itself,

being isolated on the outer edge, outside the limits of built development, without aspect or frontages to the main road.

- In the light of UK wide initiatives for car-use reduction, parking provision appears excessive for 60 residents' cars, without electric charging points for the shared parking lots which are further away from smaller households. Rural transport policy ideals these days include the provision of charging points and this is nowhere more needed than in areas at a distance from amenities such as shops, GP practice, transport hubs and places of work.
- Design, layout and suitability of homes for rural village life - There are no purpose built live-work premises, a wasted opportunity. There might also have been sheltered housing provision - another wasted opportunity to deliver to this village what it really needs in terms of long term planning.
- Limited considerations (or untested assumptions) of highway safety for pedestrians and disabled access: the proposed additional footpath on the north side of Stocks Road intended to reach bus stop/s, memorial gardens and park, school and shop (all on opposite side) runs along the verge between a field drain with regular prodigious run-off and a deep camber in the B2082. Because of the hedges and ditch it cannot be designed broad enough to accommodate a wheelchair or double buggy and is likely to continue to be avoided by anyone on foot because it is frequently awash. The dimensions are given as 1.8 m wide but this is not feasible: the actual verge (assuming all hedges cut back) is 1.4m wide reducing to 1.2m wide.
- Contrary to an assumption about street lighting in Design & Access statement 2.3.1. the only existing street lamp on this walking/cycling route is at the bus stop on the South side of Stocks Road. It would not instil confidence after dark.
- Secure by Design principles do not seem to have been applied
- The design incorporates open ended two footpaths to the west, one via a pond fed by the ditch which serves the site in question (to be managed by whom?), both to the Public Right of Way. While these links offer new pedestrian, cycling and dog walking routes to the village they equally present outsiders with access to the new housing and parking areas, not necessarily for social reasons.
- No mention of street lighting for the footpaths
- Inevitably alter the natural character of the site and its ecology.
- The land in question is high grade arable and the NPPF clearly states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality".
- There are 12 affordable units proposed, which is welcome, (although it should be noted that of the recent development of 4 new affordable houses only two were taken up by local people). The majority of the proposed open market dwellings are larger which does not address local need for low cost housing to buy.
- The location of all the affordable units in the North West corner of the site, adjacent to the existing Jubilee Fields estate is unfortunate. In a development of this size they could be spread, and be more effectively tenure blind.
- Affordable units 1-4 in the North West corner of the site have been arranged facing away from the other dwellings onto what is referred to as a 'Communal Green' on the drawings. This is heavily overshadowed by existing trees and

faces the hedge to the existing public footpath. It is unlikely to make a pleasant landscape for communal use.

- A relatively low density scheme with significant tree planting and landscape could make a pleasant living environment and the landscape layout is promising.
- The increased traffic implications for Stocks Road are a concern and there are serious safety implications in the scheme as drawn.
- Stocks Road is fast in this stretch, despite speed limits, and it is not wide. Improved and effective traffic calming/speed limiting will be essential and the relocation of the speed gateway as described in the Transport Statement will not be sufficient.
- The Transport Assessment also refers to a proposed 1.8m wide footpath from outside Tyle House running past the existing Orchard and stopping at the southern corner of the site at the footpath entrance (drawing 13452-H-02). There is no existing footpath along this stretch at present, and there is insufficient width to build a 1.8m wide footpath without encroaching on the properties it passes.
- Lack of proper footpath access could be a serious safety hazard given the rise in footfall the development will create.
- Positioning of self build plots in the two prominent front sites, could significantly impact the aspect of the whole scheme to the village.
- Overlooking
- Detrimental to the open rural character of the site and would fail to preserve or conserve the openness and natural beauty of the Area of Outstanding Natural Beauty.
- The proposed development lies in an unsustainable location
- The Bus service 293 is a school service to and from Homewood school only. The Route collects children from the surrounding villages.
- Bus service 312 is the only service available to the general public between 7am to 6pm, 2 hourly service, but no service on Sunday. Unfortunately, the timetable is very limited.
- There is not a post office in the village, although a post office service is provided once a week in the village hall for a period of about 2 hours (that's 2 hours per week). Given Covid this service has not operated in 18 months, it is unlikely to reopen in the near future.
- The village hall has been closed due to Covid for at least 15 months.
- There is not a public house in operation in the village. The former Swan Inn is vacant, an empty building. It has been closed for 2 years or more, and is unlikely to reopen despite the attempts of the village.
- The Highway Safety included in the report is inaccurate. In the past 5 years there has been numerous road accidents in an around the Isle of Oxney:
 - (1) Poplar Road, close to village shop, in 2016, 1 casualty
 - (2) Stocks Road 2018, two vehicles involved 1 casualty
 - (3) 2018 young lady and her mini-cooper car ended up in the sewer located below Small Hythe, car had to be towed out of the sewer.
 - (4) 2019 Blue Van, also ended up in the same sewer on a different occasion, gentlemen was lucky not to drown. Vehicle towed out.

(5) 2019 over turned vehicle on the Small Hythe Road near junction to Dumbourne, 1 casualty. There has been at least two further accidents at this location one in 2017 and one in 2018.

(6) Small Hythe Road 2019, near Chappell Down, 2 casualties involved

(7) The Street 2019, two vehicles involved, two casualties

(8) Stocks Road 2019, one vehicle involved, 1 casualty

(9) Wittersham Road/Poplar Road 2019 one vehicle left the road went through roadside hedge, 1 casualty

- The proposed development states that it allows for the land to the north of Stocks Road to be a green space and left clear. Then again in the same application it states that there will be self-build plots in that location.
- Concern about road safety and the inevitable disruption that a building site such as this involves. (plots 22, 27, 28 and 30) potentially blocking views, cutting out light and creating noise.
- Unacceptable impact on ancient woodland
- The sewage and drainage infrastructure in Wittersham is old, inadequate and in urgent need of modernisation. In recent years, for example, there have been sewage overflows in The Street and Swan Street.
- Other infrastructure and amenities in Wittersham are also materially deficient for a village of its current size: only one small shop, no pub, traffic problems (especially around the village primary school on The Street), poor broadband, a minimal public bus service, no medical care facilities, etc.
- The Planning Statement is trying to imply there is local support for the proposal. It is stated 85% of respondents who answered the question, "would you support a small development of affordable housing if there was a proven need for people with a genuine local connection to the parish" said that they would. However I have never been approached for a questionnaire and neither have local people I know. I question the validity of the survey they conducted.
- Loss of agricultural land

Planning Policy

16. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), 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).
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 Local Plan policies relevant to this application are as follows:

SP1 Strategic Objectives

SP2	The Strategic Approach to Housing Delivery
SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU1	Affordable Housing
HOU2	Local Needs / Specialist Housing
HOU5	Residential Windfall Development in the Countryside
HOU6	Self and Custom-Built Development
HOU12	Residential Space Standards Internal
HOU14	Accessibility Standards
HOU15	Private External Open Space
TRA3a	Parking Standards for Residential Development
TRA7	The Road Network and Development
ENV1	Biodiversity
ENV3b	Landscape Character and Design in the AONB's
ENV4	Light Pollution and Promoting Dark Skies
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
ENV15	Archaeology

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

Supplementary Planning Guidance/Documents

Fibre to the Premises SPD, 2020

Dark Skies SPD, 2014

Residential Space and Layout SPD, 2011

Sustainable Drainage SPD, 2010

Residential Parking and Design Guidance SPD, 2010

Landscape Character SPD, 2010

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

High Weald AONB Management Plan 2019-2024

Government Advice

National Planning Policy Framework (NPPF) 2021

National Design Guide 2021

National Planning Practice Guidance

Technical Housing Standards – nationally described standards

Planning (Listed Buildings and Conservation Areas) Act 1990

Article 6(3) of the Habitats Directive; Habitats Regulations 2017

Assessment

20. The key areas for consideration in the assessment of this application are as
- Principle of Development

- Impact on the High Weald AONB
- Impact on the Setting of the Conservation Area and Listed Buildings
- Site Layout and Building Design
- Trees
- Ancient Woodland
- Ecology
- Residential Amenity
- Highway Safety and Parking
- Drainage

Principle of development

21. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. It is considered that the policies which are most important for determining the application are SP1, SP6, HOU1, HOU2, HOU5, ENV3b, ENV13 and ENV14.
22. At the present time the Council is unable to demonstrate a 5-year housing land supply, although it should be noted the Council has not 'failed' the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years).
23. In the absence of a deliverable housing supply, Paragraph 11 d) of the NPPF, states that the development plan policies most important for determining the appeal are out of date. However, the '*tilted balance*' in favour of the grant of planning permission at paragraph 11 d), is conditional on satisfying criterion (i) of whether there are policies in the NPPF that protect areas of particular importance which provide a clear reason for refusing the development proposed. *Footnote 7* lists the policies in the NPPF that protect areas or assets of particular importance and these include AONB's and irreplaceable habitats (in this case, Ancient Woodland). As identified in the assessment below, there would be significant harm to the character and appearance of the AONB and therefore the proposal conflicts with paragraphs 174, 176 & 177 of the NPPF which seeks to limit the extent of development in these nationally sensitive landscapes. Additionally, the proposal has the potential to harmfully impact

irreplaceable Ancient Woodland habitat and as such would be contrary to paragraph 180(c) of the NPPF. As a result, the *'tilted balance'* would not be triggered in this case.

24. The application is for a major development in the AONB. Regard must be had to whether proposed development amounts to exceptional circumstances to justify major development in the AONB. The application site is farmland located adjacent to but outside of the settlement boundary of the village of Wittersham. Approximately an inverted 'L' in shape, it is largely flat. The vegetation along the site boundaries provide some screening effect, some of which are protected by Tree Preservation Orders. The proposal also includes creation of an attenuation basin directly adjacent the Ancient Woodland to the north (Church Wood). Therefore, paragraph 180 of the NPPF is also relevant in this instance.
25. In respect of the AONB, paragraph 176 of the NPPF states that *"great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues"*. Since the proposal is for a 'major' development in the AONB, this triggers paragraph 177 of the NPPF. It states:
- When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
26. Policy HOU2 - Local Needs / Subsidised Specialist Housing states that planning permission will be granted for proposals for local needs / subsidised specialist housing within or adjoining rural settlements identified under policy HOU3a as 'exceptions' to policies restraining housing development provided that all the following criteria are met:
- The local need or requirement for specialist housing is clearly evidenced;
 - The development is well designed, would not result in a significant adverse impact on the character of the area or the surrounding landscape and is appropriate to the scale and character of the village; and,

- There would be no significant impact on the amenities of any neighbouring residential occupiers.

It is expected that all local needs/ specialist housing schemes will be delivered without the need for any cross market subsidy. Where this is not the case a proposal will need to be supported by robust and transparent viability evidence that will be independently verified by the Council.

27. Policy HOU1 – Affordable Housing states that the Council will require the provision of affordable housing on all schemes promoting 10 dwellings or more (and on sites of 0.5 hectares or more), with provision being not less than the area specific requirements set out in the following table. All proposals are expected to meet their full affordable housing provision on-site.

Area*	Affordable/Social Rented requirements (% of total dwellings)	Affordable Home Ownership Products (% of total dwellings)	Total affordable housing requirements (% of total dwellings)
Ashford Town (Zone A)	0%	20% (including a minimum of 10% shared ownership)	20%
Ashford Hinterlands (Zone B)	10%	20% (including a minimum of 10% shared ownership)	30%
Rest of Borough (Zone C)	10%	30% (including a minimum of 20% shared ownership)	40%

28. The application proposes 40% affordable housing of which 7 houses would go towards meeting the local need identified within Withersham and the remaining 5 houses would go towards meeting the Borough-wide need with preference given to individuals with a local connection. The submitted Financial Viability Assessment (FVA) concludes that 18 market homes are required to make the scheme viable. The applicant's FVA has been assessed by Bespoke Property Consultants (instructed by the Council) that agree with the findings within the applicant's FVA i.e. it is agreed that a maximum of 40% affordable housing could be provided on the site.
29. There are several references to the previous appeal decision (15/00459/AS) for 27 dwellings made within the planning statement. It would therefore be useful

to briefly discuss the outcome of the previous appeal decision for completeness. Under the previously refused application, 10 housing units were provided to meet the local needs in Wittersham whilst there was a total need for 17 units in the village identified at the time. The Planning Inspectorate noted that the market houses significantly outnumbered the affordable housing provision and did not consider this to be an exceptional circumstance to justify the principle of a major development in the AONB. It is noted that concerns were also raised regarding the lack of evidence i.e. financial viability assessment and the mechanism to secure the local needs housing so that it does not fall into the wider catchment area. At paragraph 12 of the appeal decision, it is stated,

“I agree with the main parties that the provision of dwellings alone, notwithstanding the Council’s five years housing position, would not amount to the exceptional circumstances to justify the proposed development in the AONB. However while I heard comments to the contrary, I agree with the main parties that addressing local housing need in the village, particularly where it could be demonstrated that the scheme would have significant local benefits, would amount to an example of an exceptional circumstance, consistent with DPD policy TRS4.”

30. It is necessary to understand that the local needs housing scheme is generally expected to deliver 100% affordable housing on site (in accordance with the wording of the Policy HOU2) and where financially unviable a small percentage of market housing could be supported on the basis of the findings of the FVA. It should be noted that the current application is not significantly different from the previously refused and dismissed scheme with the only exception being that the previously refused application provided 10 local housing needs units whilst the current application provides 7 local housing needs units. Also, the financial viability assessment has been carried out in this instance which concludes that 18 market homes would be needed to provide 12 affordable housing units. Whilst 40% affordable housing provision would be made, this does not comply with either policy HOU2 of the local plan (for exception sites) or HOU1 (which requires the affordable housing to meet the borough wide need).
31. Whilst it is agreed that the Planning Inspector suggested that addressing local housing need in the village could qualify as an exceptional circumstance, it is understood that this was suggested taking into account the number of local housing needs units that were required at the time of the appeal. The following statement was made by the Inspector, “...*particularly where it could be demonstrated that the scheme would have ‘significant local benefits’...*” [*my emphasis*]. The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker: *Seddon Properties Ltd v Secretary of State for the Environment* (1981) 42 P & CR 26. Therefore, whether the

proposed development would provide 'significant local benefits' would be a matter of judgement arrived at further to the assessment of the relevant facts of the case.

32. The application establishes that there is a maximum local need for 7 affordable units and as such 5 further units have been allocated for the Borough wide need. Given the significant landscape sensitivities of the site within the AONB (which is afforded the highest status of protection in the NPPF), the relevant planning consideration is whether a scheme of 30 dwellings (which would give rise to significant landscape impacts (further expanded within the report) which cannot be sufficiently mitigated is necessary and appropriate to provide 7 local needs housing units. Also, the level of market housing provision versus affordable housing provision is disproportionate not just in terms of the number of units but also in terms of the area that these units cover. For instance, 8 AH units together occupy about the same amount of land as the two market housing units 13 and 14.
33. In conclusion, it is not considered that the proposal would provide 'significant local benefits' as had been suggested by the previous Planning Inspector in his decision. Further to the above, it is noted that no case has been presented which explores the cost of, and scope for, developing outside the designated AONB, or meeting the need for it in some other way as required by the Framework (at paragraph 177b).
34. Policy HOU5 states that where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty. Policy ENV3b seeks to conserve and enhance the natural beauty of the Kent Downs and High Weald AONBs. In summary, it is considered the proposed development would introduce a major housing development in the AONB and would not conserve and enhance its natural beauty. Detailed assessment has been carried out in respect of the impact of the development on the character and appearance of the countryside under 'Character and Appearance' section.

Impact on the High Weald AONB

35. The site lies outside of settlement confines and within the AONB. Therefore, Policy ENV3b is relevant in this instance. The policy requires the Council to have regard to the purpose of conserving and enhancing the natural beauty of the AONBs. Proposals within AONBs will only be permitted where:
 - The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.
 - The development would enhance the special qualities, distinctive character and tranquillity of the AONB.

- The development has regard to the relevant AONB management plan and any associated guidance.
 - The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.
36. Regard must also be had to the paragraph 176 of the NPPF states that “*great weight should be given to conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues*”. Regard should also be had for the High Weald AONB Management Plan, which provides advice on how to protect and enhance the AONB. Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act) states that “*in exercising or performing any functions in relation to, or so as to affect, land in areas of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty*”.
37. The High Weald AONB Management Plan promotes a landscape led approach to new development. It highlights that the special characteristics and qualities of the AONB include the quality of the built heritage and settlement patterns. In order to conserve and enhance the natural and scenic beauty of the Kent Downs, the scale, extent and design of new development, is critical.
38. The site is located within the High Weald AONB. The area is strongly rural in character. The site is located on the eastern edge of the village, at a point that marks an important transition from the well-defined built up area of the village to the open countryside beyond. The application site abuts a narrow single track lane to the north with no footpaths or streetlights whilst to the east is a public footpath that runs between the fields to the south, east, and west. The site has access to the fields to the north and it is understood that the larger field (to the north) and the application site are owned by the applicant. The site and adjoining neighbours lie within a predominantly open landscape comprising arable farmland, punctuated by similar small pockets of development focussed on farmsteads, often screened by trees and hedges and large pockets of ancient woodlands.
39. The site contributes to the character of the AONB through its open landscape when viewed from the south and north. The established scrub, hedgerows and interspersed trees on the western and southern boundary create a strong streetscape character along Stocks Road and the footpath linking Stocks Road and Forge Meads. There are several blocks of ‘Ancient and Semi Natural Woodland’ surrounding the site with the nearest to the north west of the subject site, with several smaller blocks located to the south east of the site. There is a block of Ancient replanted woodland to the south of the site.
40. The surrounding area constitutes very limited development and does not have any strong defining character. The topography of the site itself is relatively flat

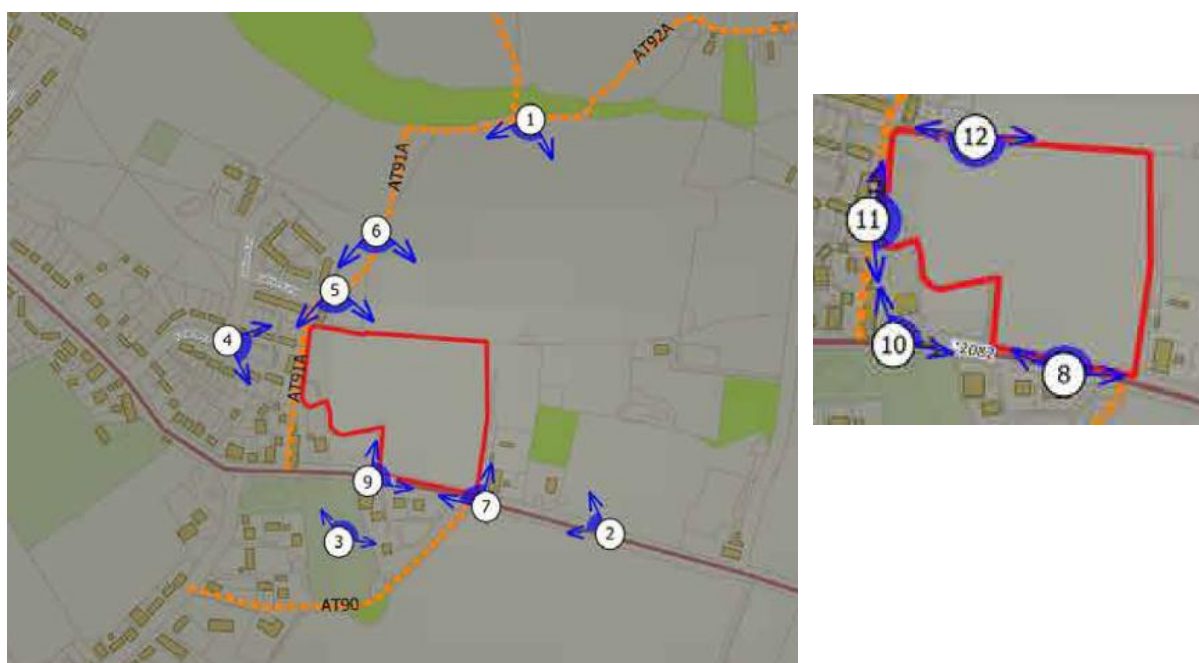
whilst there is a valley located to the south of the site. Equally, to the north, the land falls and is gently undulating to the east.

41. In affording open views across to the woodlands of Comb Woods, Rushgreen Wood and Stemp's Wood Local Wildlife Site which are located 220m to the north of the development at its closest point, the site makes a significant contribution to the rural setting of the village. Such visual linkages to the surrounding countryside of the High Weald AONB are considered to contribute significantly to the character of this part of the village.
42. The site adjoins the Conservation Area (CA) to the west and the historic grouping of the former farmhouse Tyle House and the associated oasthouse. The leafy and open space nature of this corner of the CA is further enhanced by the other historic and listed buildings in the vicinity of the War Memorial, which in itself is a Grade II listed monument.
43. The 'High Weald Area of Outstanding Natural Beauty Management Plan (published by the High Weald Joint Advisory Committee, 2019-2024) describes the area as:

“At first glance the High Weald appears to be a densely wooded landscape but closer examination reveals a detailed agricultural tapestry of fields, small woodlands and farmsteads. Wildflower meadows are now rare but the medieval pattern of small fields with sinuous edges surrounded by thick hedges and shaws (often surviving remnants of ancient woodland) remain.”

“Woodland is extensive covering nearly a third of the area in an intricate network of small wooded shaws, pits and gills; farm woods and larger wooded estates. Most of the woodland is ancient, managed in the past as coppice and swept with bluebells and wood anemones in the spring but of the mature oaks for which the Weald was once famous, few remain. The drier sandy soils favour pine and birch within a patchwork of lowland heath.”
44. The primary aim of the Management Plan is to 'conserve and enhance'. It further states, *“In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.”*
45. The application has been accompanied by a Landscape Visual Impact Assessment. The Zone of Theoretical Visibility (ZTV) shown on Figure 4.1 of the LVIA encompasses a 2km zone. However, the viewpoints only comprise short range viewpoints as shown in the figure below. The assessment includes a matrix which identifies the sensitivity to change, the magnitude of change and later summary of the significance of impacts (over the course of 10 years)

having regard for potential mitigation. No detailed assessment of the visual impacts from the viewpoints has been included within the LVIA i.e. it does not explain the reasoning for the conclusions drawn for each viewpoint. Therefore, it is felt necessary to carry out the detailed assessment with a view to fully assess the impacts arising as a result of the proposed development. Of the 12 viewpoints identified, the most relevant ones are considered to be viewpoints 1, 2, 5, 6, 7 and 8.



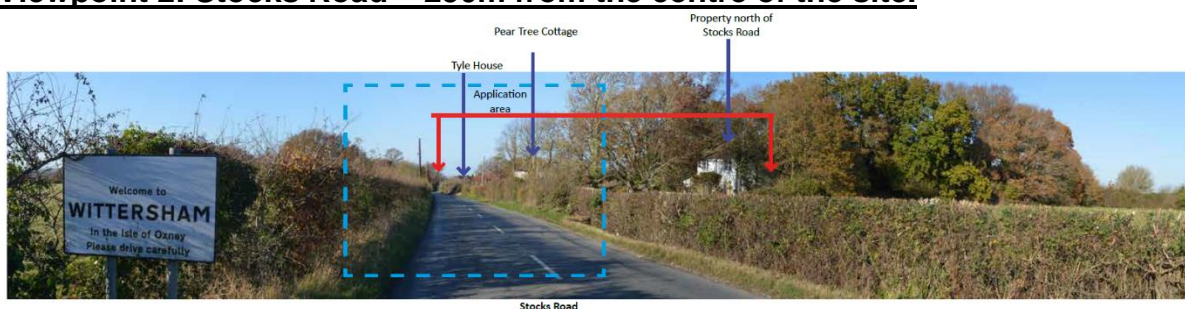
Viewpoint 1: From the PROW AT91A to the north of the site – 300m from the centre of the site



46. The land levels gently slope from east to west. This viewpoint largely comprises the arable farmland with mature trees to the west. The extent of the application site is as shown above in the photo. It is noted that the partial rooftops of Tyle House and Tyle House Oast are visible from this viewpoint whilst the Jubilee Field development appears quite prominent in views. There are no significant

detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change, magnitude of effect as moderate and states that the site not visible from this viewpoint. It should be noted that Tyle House and Tyle House Oast are sited towards the southwest of the site and abut Stocks Road. Therefore, whilst only the rooftops are visible, they are substantial distance away from this viewpoint. The proposed dwellings would be sited close to the boundary of the site with limited landscape buffer. They would appear prominent in views, would permanently alter the landscape and would detract from the relatively unspoilt landscape setting. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m in part and with no buffer to the site in part along the same boundary (north)) has been concluded as moderate in Year 1 (without any potential screening), Low to moderate in Year 5 and Low in Year 10. In contrast to the conclusion drawn within the LVIA, given the scale of the proposed development and the proximity of the dwellings to the site boundary, it is considered that the significance of impacts would be much greater than envisaged i.e. high in Year 1 and moderate by Year 10.

Viewpoint 2: Stocks Road – 250m from the centre of the site.



47. This viewpoint comprises hedging and mature trees on either side of the road representing a strong rural character. Glimpse views of Tyle House, Pear Tree Cottage and property north of Stocks are achievable from this viewpoint. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change, magnitude of effect as Low to Moderate. It should be noted that the proposed dwellings would be sited close to the site boundary unlike the Tyle House which is sited significant distance away from the edge of the road with substantial mature tree screening. Taking into account the siting and scale of the dwellings, creation of a vehicular access off Stocks and limited screening along the front boundary, the sensitivity of the receptor and the magnitude of effects are considered to be moderate to high. The significance of impacts at the end of 10 years (with proposed mitigation) is considered to be moderate.

Viewpoint 5: Jubilee Field – 125m from the centre of the site



48. This viewpoint encompasses the existing vegetation along the northern site boundary, the tarmac hardstanding and property south of Jubilee Field with a boarded fence. The boarded fence, the tarmac and the existing dwelling are detractors in this view. It is noted that the matrix identifies the sensitivity to change, and magnitude of effect as Moderate. Taking into account the existing detractors, the conclusions reached in respect of this viewpoint are considered acceptable.

Viewpoint 6: PROW AT91A: 175m from the centre of the site



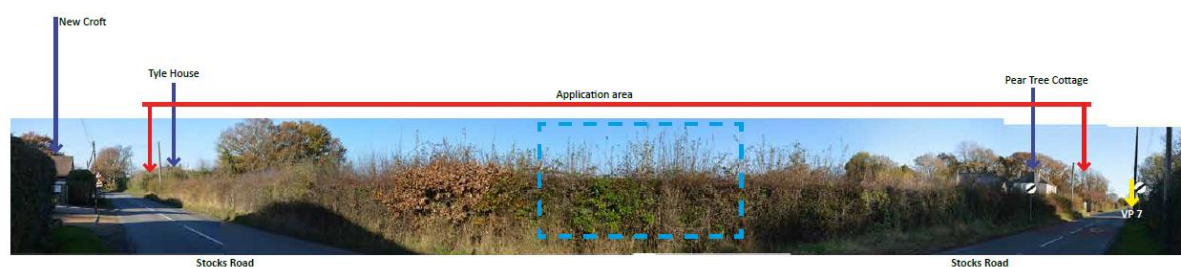
49. This viewpoint comprises split wider view. On the right hand side is the Jubilee field development whilst on the left is the open farmland and a clear view of the application site with views of Millerslea and New Croft also being visible which lie to the south of the Stocks Road. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change as moderate to high, and magnitude of effect as moderate. It should be noted that the proposed dwellings would be sited close to the site boundary and would be highly prominent in these views particularly by virtue of limited landscaping buffer achievable along the northern boundary of the site. This would permanently alter the landscape and provides limited scope for mitigation. Therefore, the sensitivity of the receptor and magnitude of effect is considered to be moderate to high. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m) has been concluded as high in Year 1 (without any potential screening), moderate to high in Year 5 and moderate in Year 10. The conclusions drawn in respect of significance of impacts are considered acceptable.

Viewpoint 7: Stock Road – 150m from the centre of the site



50. This view is dominated by the hedging on either side of Stocks Road (including the hedge bordering the application site), glimpse views of the rooftop of Tyle House and boarded fence bordering Pear Tree Cottage. There are no significant detractors in this view except the existing boarded fence. It is noted that the matrix identifies the sensitivity of receptor as moderate to high, and magnitude of effect as moderate. The proposed development would be most prominent in these views. Taking into account the siting and scale of the dwellings, distance of the receptor from the site, creation of vehicular access off Stocks and limited screening along the front and side boundaries, the sensitivity of the receptor and the magnitude of effects are considered to be high. The significance of impacts at the end of 10 years (with proposed mitigation) is considered to be high. Particular regard has been had to the level of landscaping proposed and the fact that the proposed dwellings visible in these views would be two storey substantial dwellinghouses and as such the development would be highly prominent in the streetscape.

Viewpoint 8: Stocks Road – 100m from the centre of the site

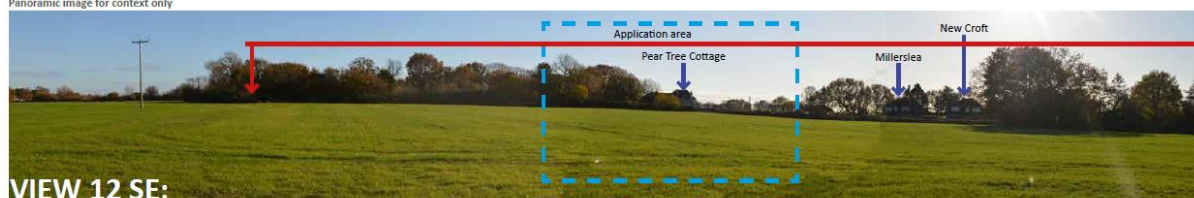


51. This view is dominated by hedging along the front boundary of the site with views of New Croft to the left and Pear Tree Cottage to the right and view of the rooftop of the Tyle House. There are no significant detractors in these views. It is noted that the matrix identifies the sensitivity of receptor as moderate, and magnitude of effect as moderate to high. The proposed development would be highly prominent in these views being right in front of the proposed development's access. Taking into account the siting and scale of the dwellings, proximity of the receptor from the site (clear visibility of the development from this point), vehicular access off Stocks Road, substantial hardstanding within the development that would be visible in these views, limited screening along the front boundary, the sensitivity of the receptor and the magnitude of effects are considered to be high. The significance of impacts noted within the LVIA at the end of 10 years (with proposed mitigation) is low. However, having regard

for the above reasons and given the permanent change in the landscape resulting from the introduction of domestication within an undisturbed rural setting, it is considered that the significance of the impacts at the end of 10 year (with proposed mitigation) in these views would be moderate to high.

Viewpoint 12: A well trodden footpath – along the site boundary

Panoramic image for context only



52. This viewpoint comprises the application site itself (open farmland) with views of Pear Tree Cottage, Millerslea, New Croft to the southeast and Tyle House and Tyle House Oast to the southwest. There are no significant detractors in this viewpoint. It is noted that the matrix identifies the sensitivity to change as high, and magnitude of effect as high. It should be noted that the proposed dwellings would be sited close to the site boundary and would be highly prominent in these views – i.e. by virtue of the proximity of the receptor from the development and limited landscaping buffer achievable along the northern boundary of the site. The development would permanently alter the landscape and provides limited scope for mitigation. Therefore, the conclusions reached within the LVIA in respect of sensitivity of the receptor and magnitude of effect identified as ‘high’ are agreed. The significance of impacts taking into account the landscape mitigation proposed (native tree/shrub buffer 5-8m) has been concluded as high in Year 1 (without any potential screening), moderate to high in Year 5 and moderate in Year 10. The conclusions drawn in respect of significance of impacts are considered acceptable. Notwithstanding the potential mitigation and the softening effect after the landscaping has reached maturity, the visual impacts from this viewpoint would be unacceptable.
53. In conclusion, the LVIA assessment in respect of the viewpoints identified above evidence that the harm caused to the wider landscape assessed together with the proposed mitigation, would result in moderate to high adverse impacts. The AONB Unit have raised an objection regarding the impact on the wider landscape and the AONB. It is stated that “The LVIA submitted in January 2022 emphasises the retention and reinforcement of boundary vegetation but does not account for the landscape character impact of the loss of an open field to development. Fields are a key landscape component of the High Weald AONB and once the site has been developed it will no longer be a field and this component will be lost. This loss needs to be reflected in the overall assessment of impact on landscape character. The whole of the AONB is

designated for its outstanding natural beauty, not just those elements visible from public viewpoints.” This was also raised by the Planning Inspector in the previous appeal for (15/00459/AS). At paragraph 17 of the decision, it is stated,

“Accordingly, criticism has been drawn that the appellant has failed to understand or address the wider landscape outcomes on the AONB, preferring instead to focus on the localised implications. I agree with those concerns, and the appellant has not sufficiently explained either in written or oral evidence as to why it has afforded little consideration AONB Management Plan or what alternative assessment was used instead. Mindful of the weight I must apply to the conserving such landscapes, I find the appellant’s approach to understanding the landscape is unsound.”

54. By virtue of the site’s location and topography of the wider area, the application site lies in a prominent location such that the proposed development, due to scale, massing and density would be highly visible in wider views from Stocks Road and the wider AONB to the north. Views of the development would also be achievable from Acton Road to the east. It would introduce domestication in this undisturbed, verdant landscape and intensify the hard built development along the edge of this part of countryside thereby resulting in significant exacerbation of the visual harm caused. It would fail to respect or respond to its setting and fail to integrate into the natural and built environment or reinforce local distinctiveness. Therefore, the proposed development would be contrary to policy ENV3b of Ashford Local Plan 2030. It would also be contrary to paragraphs 174, 176 & 177 of the NPPF which require the planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and afford great weight towards conserving landscape and scenic beauty in (sic) Areas of Outstanding Natural Beauty.

Layout and Design

55. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance, such as village design statements.
56. The site layout comprises a central spine road with dwellings arranged on either side of the road and also contains some mini cul-de-sac type clusters within the development with shared driveways. The majority of the buildings within the development would be two storeys in height with a few single storey dwellings. The design of the units is a mix of traditional housing with brickwork, weatherboarding and plastic windows and slight variation which incorporates some modernistic features such as deep overhangs and large glazed facades. A new footpath connection is proposed to the southwestern end of the site. A new vehicular access would be formed off Stocks Road. It is noted that the

majority of the hedge along the front boundary is proposed to be retained. The proposal comprises two self-build plots along the front boundary to the southeast of the access and plot no.18 to the southwest of the access. The site plan includes some areas of landscaping along the eastern side of the central road with a small area annotated as 'communal green' towards the northwestern corner of the site. There is very limited landscaping proposed along the eastern boundary of the site. The on-site informal green spaces proposed are of limited sizes which could qualify as visual relief areas however, by virtue of their limited area, they would fail to qualify as informal green areas appropriate for the community use as is required by policy COM2 of the local plan. Nevertheless, offsite open space contributions would be required in this instance. The site plan includes areas that would be managed by the management company however, the buffer to the north appears to have been specifically excluded.

57. It is noted that an abrupt change would occur at the north west corner of the site, and where the allocation of affordable houses would be. These properties would be constructed utilising the similar materials as the market housing except absence of some detailing including headers, use of slate tiles, Siberian larch, glazed balconies, powder-coated metal fenestration, use of oak frames, eaves detailing etc. Furthermore, they would be decidedly smaller plots than the remainder of the site, the frontage areas would be dominated by hardstanding and parking spaces with an exception of a semi-open car port for plots 7 & 8, with a notable absence of any provision of garage allocations. It is noteworthy that 8 AH units together occupy about the same amount of land as two market housing units 13 and 14. This part of the site would contrast unfavourably with the market dwellings. It would not promote a coherent and inclusive design; with the affordable element clearly identifiable and distinguishable. It is considered that this would not amount to good design and would be contrary to the policy SP6 of the local plan and paragraph 130 of the NPPF.

Impact on the Setting of the Conservation Area and Listed Buildings

58. Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area...The desirability of preserving or enhancing the area should also, be a material consideration in the planning authority's handling of development proposals that are outside the Conservation Area, but which would affect its setting, or views into or out of the area.

59. Regard must be had for the Policy ENV13 of the local plan which supports proposals that preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. It further states, “Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal...”
60. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (194 – 203) at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 202 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm. At Paragraph 199, NPPF states, ‘When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...’ At paragraph 203, it states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
61. In Historic England’s GPA 3, it says that ‘The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’ At paragraph 4, it states, ‘While setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset’. At paragraph 13, it states, “...if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting”.
62. Planning Practice Guidance (Paragraph: 013 Reference ID: 18a-013-20190723) states, “The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced

by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. It further states that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting.

63. This application relates to a planning application for the construction of 28 no. dwellings and 2 self-build plots with associated parking, access, landscaping and open space on land to the north of Stocks Road. The application site has a boundary with the north east corner of Wittersham Conservation Area, which is a designated Heritage Asset. There are no Listed buildings which directly abut the application site, although to the south of the site, on the opposite side of Stocks Road, is Windmill House, which is a Grade II Listed building, but is outside the Conservation Area. There are also several Listed buildings within the Conservation Area boundary. Directly adjacent to the east boundary of the application site, fronting Stocks Road, are two historic dwellings, Mount Pleasant and Pear Tree Cottage, but which are not Listed. These buildings should be considered as non-Designated Heritage Assets. Adjacent to the west boundary of the application site, along Stocks Road and within the Conservation Area boundary is Tyle House Farm, which is also a non-Listed, historic building and which should be considered as a non-Designated Heritage Asset. A public footpath runs along the west boundary of the application site.
64. Wittersham Conservation Area is linear in layout, following The Street, with a concentration of Listed buildings at the southern end, adjacent to the Church and again at the northern end, at the junction with Stocks Road, with the Inn, smithy and (former) windmill. There have been a few modern infills along The Street, but essentially the linear form remains dominant. Although this is the historic core of Wittersham, the main village is now concentrated a little further west along Stocks Road, where there are a number of “modern” housing developments of different eras, some in cul-de-sacs, before a junction with Swan Street, to the south. The density and layouts of much of these developments have not reflected the rural settlement pattern of Wittersham and have introduced some elements of suburban character into the wider village. Swan Street has a number of Listed buildings along it, and more infill development.
65. Although there has been some modern developments to the west of the Conservation Area, as you approach the village and the Conservation Area from the east, the historic character has been better maintained. The site sits along the fringe of the existing settlement and to the east of Wittersham the development starts to become sparse and creates that transition into the countryside. The area is dominated open countryside, with large fields and hedgerows, interspersed with occasional, traditional rural buildings. The application site is one of these fields, directly abutting the Conservation Area and with a boundary along Stocks Road. Although this field is bounded by an

informal hedgerow, it would not prevent direct views into the site. In fact there is already a field gate at the west end: it is apparent that this is an open field and is part of the wider countryside. At this point on the approach to the village, there is no footpath or street lighting, which provides an informal transition between the wider countryside and the settlement. All these elements together constitute the semi-rural setting and makes a positive contribution to the setting of the Conservation Area.

66. The proposed development is for 28 houses, plus two self builds (so, 30 houses) with the associated hard standing, garaging and a new access road, off Stocks Road, which will necessitate removing a section of the hedgerow. The density and layout of the development, with a cul-de-sac arrangement, is overly suburban in character and does not reflect the settlement pattern of this part of the village, or the Conservation Area. The intended use of planting, both between the units and along the boundaries would not negate the impact of the development on the character of the area. The plans show the two plots closest to Stocks Road as being empty, intending them to be two self-build units, so their eventual design is not yet established. But this does mean that the apparent open nature of this part of the site is slightly disingenuous. The suburban character of the development will be visible from outside the site, both along the main road and along footpaths and will appear in contrast to the sparser, linear development within the village. The inevitable vision splays to the access, street lighting and footpath will contrast with the informal public realm in the village and would further erode this rural fringe character to the significant detriment of the setting of the Conservation Area.
67. The neighbouring Listed buildings are not directly adjacent to the site boundary. Mill House, to the south, is set behind several new buildings and the Ewe and Lamb PH, The Old Corner House and the War Memorial, to the west, are all set a distance from the boundary of the site, within the wider settlement. Although the new development will have a minimal impact on their direct setting, it will have some impact on their wider setting, through the impact on the Conservation Area.
68. There are also a number of non-Designated Heritage Assets within the vicinity of the site, some directly adjacent to the boundary. These, such as Tyle House, Tyle Oast and Mount Pleasant are probably C19 in date and are typical rural buildings, set within large plots, all fronting the road. At present their character reflects their history as typical, rural development on the fringes of the village. The infilling of the open field between them, will erode that character and some of their interest will be diminished, particularly since none of the development appears to acknowledge the surrounding settlement plan or its direct neighbours.
69. The submitted Heritage Statement states that, "For the purposes of local and national policy this assessment concludes that no harm would be caused to heritage significance and that the site is able to accommodate the change proposed without effects on the historic environment surrounding it." The Heritage does not consider the impacts arising as a result of the scale and

density of the development and as the conclusion reached regarding “no effect on the historic environment” is considered incorrect.

70. On the contrary, it is considered that the proposed development would cause harm to the setting of Wittersham Conservation Area, the non-designated heritage assets and to a lesser degree to the setting of the Listed buildings. It is concluded that the harm caused would be less than substantial harm. Paragraph 196 states, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. It should be noted that the Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* 2014 made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament’s intention was that ‘decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise’. It is not considered that the public benefits arising as a result of the proposed development which includes 18 market homes and 12 affordable housing units (of which 7 would go towards meeting the local need). Overall whilst the housing provision would attract weight in the planning balance, it is not considered that this benefit would outweigh the significant impacts (which would permanently alter the setting of the heritage assets) on the heritage assets identified above.

Drainage and Flooding

71. The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. Policy ENV6 requires the proposals for new development to contribute to an overall flood risk reduction. Policy ENV9 requires all development to include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site. The NPPF, paragraph 167, states that local planning authorities should ensure that flooding is not increased elsewhere whilst paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
72. The application has been accompanied by a drainage strategy. The proposal seeks to utilise Sustainable Urban Drainage (SuDS) techniques to deal with the surface water generated by the development. This will replicate the existing drainage regime by dealing with the surface water at source, to prevent increasing the risk of downstream flooding. The proposal incorporates impermeable areas which equal approximately 0.822 hectares. The access roads, roofs and areas of hardstanding would be drained via trapped gullies connected into a network of gravity surface water sewers that will discharge

into a proposed attenuation basin in the field to the north. From the attenuation basin, surface water would be discharged at a controlled rate equivalent to the greenfield rate of 8.6l/s via a Hydrobrake flow control. Discharge will be to the existing 225mm diameter sewer which drains into the existing watercourse to the north.

73. In respect of foul water drainage, it is proposed that the foul water from the development is collected in a system of gravity sewers discharging to the existing foul water drainage network.
74. KCC LLFA have been formally consulted. Following the initial consultation, further information was requested in respect of the clarification of the land ownership near the outflow pipe to ensure that future maintenance would be possible and detailed construction drawings. Subsequently, an amended flood risk assessment was received and KCC was reconsulted. KCC Flood Authority have confirmed that, subject to conditions requiring full details of the final surface water drainage scheme (and verification that the approved system has been installed), no objection is raised. In the event of grant of permission, appropriately worded conditions would be attached to secure the implementation of the proposed surface water drainage and foul water drainage strategies. In addition to this, an informative would be attached to the permission which advises the applicant to submit a formal application for connection to the public sewerage system is required in order to service this development. In conclusion, subject to appropriately worded conditions, the development is considered acceptable in terms of flood risk.

Impact on Highways

75. The site considered to lie in a rural location. Policy TRA3(a) requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It requires 1 bedroom house to provide 1 parking space, 2 and 3 bedroom houses will be expected to provide 2 spaces per unit; and 4 bedroom houses will be expected to provide 3 spaces per unit. These figures are described as minimums. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. Spaces should be independently accessible and garages are not considered to provide car parking spaces. The parking requirement for the 28 dwellings (self build plots excluded) proposed (3x1 bedroom dwellings, 11x2-bedroom dwellings, 5 x 3-bedroom dwellings and 9 x 4-bedroom dwellings) equates to 59 spaces for occupiers and around 6 visitor spaces. The application proposes 59 resident car parking spaces (of which 10 are tandem parking spaces) and 7 visitor parking spaces would be provided within the site. Although tandem parking arrangement is less convenient to use, on balance, it is considered acceptable.
76. From the review of the Transport Statement (TS) submitted with the application, the proposal would generate 10 two way movements in the AM traffic peak, 3 arrivals and 7 departures. and 10 two way movements in the PM traffic peak, 7 arrivals and 4 departures (the latter showing as slight anomaly due to rounding

within the output database). Whilst the development would increase the number of vehicles using Stocks Road, it is not considered that this increase would cause a severe impact.

77. The internal site road has not been put forward for adoption by the applicant. It is understood that it is proposed to remain in private ownership. The access to the site would provide visibility in both directions and has been designed to allow safe access and egress, including for larger vehicles. The proposed access would cross an existing small drainage ditch within the highway verge. KCC Highways have advised that implications of this will need to be considered at the detailed design stage should planning permission be granted. The tracking plans and details of sight lines have been provided for the internal road to demonstrate that an 11.4m refuse vehicle, pantechnicon and fire engine can access the site, turn safely and exit in a forward gear.
78. The proposal also includes the provision of a new footway from the site pedestrian entrance to the existing footway outside Tyle House on the northern side of Stocks Road. The relocation of the existing 30mph speed limit terminal some 100m further east was suggested within the road safety audit of the proposals. KCC Highways consider this appropriate as it would provide some clearance from the proposed new junction and would also encompass the properties Mount Pleasant and Stocksway within the 30mph limit. It is further advised that this will require the applicant to go through the 3rd party Traffic Regulation Order process prior to the extension of the speed limit. The proposed off-site highway improved are also considered acceptable.
79. The proposal includes a direct pedestrian link to Public Right of Way AT91A from the north west corner of the site. KCC PROW has put forward a request for contribution of £5000 to be secured to enable improvements to this public footpath. The request for contributions has been endorsed and supported by KCC Highways.
80. KCC Highways have advised that, should permission be granted, a construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point, provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). It is considered that appropriately worded conditions could be attached to the permission requiring the submission of details of electric charging points. In respect of off-site works, a condition is recommended to be attached requiring completion of highway improvements of new footway link and relocated 30mph gateway as shown on drawing 13452-H-02 to be implemented prior to first occupation.
81. In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraphs 110 and 111 of the NPPF.

Impact on Trees

82. There are mature protected trees bordering the application site albeit they fall outside the application boundary. Having reviewed the submitted drawings, it is apparent that it is the intention to retain the existing mature trees. The application is accompanied by a tree survey which also includes an arboricultural method statement and a tree protection plan. The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots. ABC Tree Officer has been formally consulted on the application and has not raised any concerns in this regard. In the event of grant of planning permission, appropriately worded conditions could be attached to the permission to secure the tree protection measures as detailed within the submitted tree survey. Notwithstanding the above, concerns have been raised in respect of the limited landscape buffer afforded along the northern boundary. The landscape buffer that could support good-sized trees is required to be a minimum 15m in width, however, the proposal incorporates a very limited buffer zone in part along the northern which measures approximately 5-8m. Therefore, the development would fail to comply with policy HOU5 of the local plan.

Impact on Ancient Woodland

83. The NPPF defines Ancient Woodland as an area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS). It has been identified as an irreplaceable habitat. The NPPF paragraph 80 advises that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
84. The proposal involves creation of the attenuation basin directly adjoining Church Wood, an area of ancient woodland designated on the Ancient Woodland Inventory. The submitted drawings do not demonstrate that an appropriate buffer of at least 15m would be provided, as recommended within Natural England's Standing Advice on 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions'. The Woodland Trust have raised an objection in respect of the proposal. In conclusion, in the absence of evidence to the contrary which ensures that an adequate buffer is provided and would be retained as such, the proposal has the potential to negatively impact upon the irreplaceable habitat and as such would be contrary to paragraph 180(c) of the NPPF.

Impact on Ecology

85. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The site itself contains unmanaged grassland surrounded by dense mature trees/hedges and Ancient Woodland which could provide habitat for protected species. The application has been supported by a Phase 1 Habitat Survey.
86. The proposed development includes a flood attenuation basin to the northwest of the main application site and in close proximity to an area of ancient semi-natural broadleaved woodland (Church Wood). Therefore, by virtue of its proximity to ancient woodland, there is high likelihood of protected species being present on the site. The ecological surveys submitted in connection with the planning application did not include any surveys of the area proposed for the flood attenuation basin or therefore any assessment of the potential effects of the construction of the flood attenuation basin on the adjacent ancient woodland. Therefore, the potential impacts on the protected species cannot be ruled out.
87. The on-site pond P1 returned a positive result from e-DNA sampling in 2020 showing that the pond had been used for breeding by great crested newts (GCN). A subsequent population survey returned a negative result in 2021 although this was limited because no bottle trapping or hand netting could be undertaken. Other adjacent ponds also returned positive results for breeding GCN and there is therefore a local metapopulation. Using the Risk Calculator in the Natural England GCN Method Statement, produces a result of Red – Offence Highly Likely for the proposed construction works (please see below). Furthermore, the application site is located within an Amber Risk Zone for GCN in Kent. These zones contain main population centres, habitats and dispersal routes for GCN. Therefore, development with a significant land take in these zones would be expected to have a high impact on GCN. It should be noted however, that no GCN breeding ponds will be lost as a result of the proposed development and proposals have been outlined to enhance pond P1 on site and these enhancements should be secured through an appropriately worded condition.
88. KCC Ecology have advised that a protected species licence under Regulation 55 of the Conservation of Habitats and Species Regulations 2017(as amended) will be required by the applicants to enable the proposed development to proceed lawfully. The applicants have not submitted an Impact Assessment and Conservation Payment Certificate (IACPC) with the planning application and therefore has not registered to enter the proposed development into the Natural England District Level Licensing (DLL) scheme. Works will need to be undertaken in accordance with Great crested newt mitigation guidelines Version: August 2001, English Nature (now Natural England). In conclusion,

KCC Ecology consider the outline mitigation methods submitted in the Ecological Impact Assessment (EclA) unsatisfactory to prevent the killing or injury of GCN and to compensate for the loss of terrestrial habitat. However, as a licence will be required, development will need to be undertaken in accordance with the approved Method Statement that will form part of the licence.

89. A low population of both slow worm and common lizard has been recorded within the application site and methods have been outlined to mitigate for the effects of development on these reptile species. KCC Ecology have advised that the proposed methods of mitigation are unclear and lack any proposed information in respect of the reptile refuge area(s) within the site. It is recommended that the reptile population within the main application site (where the residential development is proposed) should be captured and translocated to a suitable reptile receptor site. The area to the north of the attenuation basin has been recommended. However, as it stands, it is unclear whether the attenuation basin would maintain an appropriate buffer and whether there is a scope for that area to be utilised as a receptor site. Notwithstanding this, a condition has been recommended by the KCC Ecology to be attached in the event of grant of permission.
90. One tree within the application site tree T1 has been identified as having moderate potential to support roosting bats. This tree is proposed to be retained within the development. Therefore, no further surveys or mitigation is required, but suitable measures will be required to protect the tree during construction in accordance with BS5837 (2012). The hedgerows and trees bounding the application site have potential for foraging and commuting bats and these are largely proposed to be retained and enhanced. Artificial lighting can cause disturbance to bats and therefore it is advised that a suitably worded condition is required to control the lighting design.
91. The submitted EclA relies upon dormouse surveys undertaken on the application site in 2014 and which confirmed the likely absence of this species. Therefore, no further surveys are required. However, it is recommended that a precautionary approach is taken for the clearance of habitat suitable for dormouse along the southern boundary of the site. A suitably worded condition is recommended to be attached to the permission.
92. Regarding breeding birds, recommendations have been made in relation to the timing of the removal of any of the boundary vegetation; this should be undertaken outside the bird breeding season, limiting this work to between 1st September and 1st March, or supervision would be required. Recommendations for enhancing the ecological value of the proposed site as required under the National Planning Policy Framework have been suggested.
93. In conclusion, a number of pre-commencement conditions have been recommended by KCC Ecology however, no comments have been made in respect of the potential negative impacts on the protected species within the area identified for the creation of an attenuation basin. Furthermore, whilst a

condition has been recommended for the receptor site, it remains unclear whether this could be achieved. It is considered reasonable and proportionate to ascertain the likely impacts prior to decision making. Therefore, in the absence of the evidence to the contrary to demonstrate that the proposed development would not cause significant harm to the wildlife habitats together with appropriate mitigation measures secured via a planning obligation and planning conditions, the proposed scheme is considered unacceptable. In conclusion, the proposed development would be contrary to national policy, most particularly paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' and paragraph 180a of the revised Framework.

Archaeology

94. The site has been identified as an area with significant archaeological potential. The application has been accompanied by an archaeological desk based assessment. It notes that the findspot of a post-medieval coin (MKE 56428) was recorded within the site. It is primarily of historic value relating to the post-medieval settlement at Wittersham. At the paragraph 5.13, the assessment acknowledges that there is also the potential for previously unknown archaeological remains (from Prehistoric, Roman, Saxon/Early, Medieval and Post-Medieval) to survive within the site. It further states that without intrusive investigations the significance of any such remains cannot be fully determined. Paragraph 194 of the NPPF states that, "...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." Consequently, in the event of grant of planning permission, it is recommended to attach a condition to secure implementation of a programme of archaeological work in this instance.

Developer Contributions

95. KCC have advised that the application would place additional demand on their facilities and services, for which there is currently insufficient capacity. Consequently, they have requested that the following contributions are secured in order to deliver increased capacity to meet the additional demand that the development would generate:
- Community Learning - £16.42/dwelling equates to £492.60 for 30 dwellings towards additional resources and classes for additional learners from development at Tenterden AEC.
 - Youth Service - £65.50/dwelling equates to £1965.00 for 30 dwellings towards Youth Service in Ashford Borough.
 - Libraries - £55.45/dwelling equates to £1663.50 for 30 dwellings towards additional resources and bookstock for the mobile library service attending Wittersham for the new borrowers of the development.

- Social Care - £146.88/dwelling equates to £4406.40 for 30 dwellings towards specialist care accommodation/assistive technology systems, adapting Community facilities, sensory facilities, and changing places within the Borough.
 - All homes to be built to wheelchair accessible and adaptable standard in accordance with Building Regs Part M4(2).
96. It is considered that in principle the above contributions are CIL compliant subject to the amounts. In each case a specified project has been identified and is demonstrably necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. For completeness, any grant of permission would need to secure the following, either through conditions or obligations within a legal agreement (as appropriate):
- Provision of 40% affordable housing (including 7 units towards local needs and 5 units towards Borough-wide need); although no draft legal agreement has been submitted with the application which evidences how this would be achieved.
 - Contribution requested by KCC PROW - £5000 towards improving and widening a length of footpath AT91A alongside the development.
 - Provision of offsite open space contributions as detailed within the table S106 Cultural Contributions – Specific projects are yet to be finalised.
 - NHS Contributions - £27,540 towards refurbishment/reconfiguration and/or extension of Ivy Court Surgery within Ashford rural PCN or towards general practice premises in the area.
 - Developer Contributions as detailed above (for Community Learning, Youth Services, Libraries, Social Care, wheelchair accessible homes).
97. For the avoidance of doubt, it is necessary to clarify that the proposed development would not accord with policy HOU1 (40% affordable housing needed towards Borough wide need) or HOU2 (100% specialist housing). Furthermore, in the absence of any legal agreement to secure the necessary infrastructure contributions and the affordable housing, self/custom-build plots and accessible/adaptable dwellings required by the development plan, the proposal would be contrary to Policies HOU1, HOU6, HOU14, IMP1, COM1, COM2, COM3 and IMP2 of the Ashford Local Plan 2030 and paragraphs 64 and 65 of the NPPF. Therefore, the lack of contributions would constitute a reason for refusal.

Residential Amenity

98. The proposed dwellings would be well separated from their nearest neighbouring properties. The finished dwellings would lie in excess of 20m from the nearest properties namely Tyle House to the southwest and Mount Pleasant to the southeast. It is considered that, given the substantial separation distances and relationships between properties, no unacceptable loss of light, sense of enclosure or overlooking would occur. Therefore, no harm to the

residential amenity of the neighbouring occupiers is envisaged from the proposal. It would therefore comply with paragraph 130 of the NPPF.

Living conditions of the future occupants

99. Regard must also be had to whether the proposed development would provide high standard of amenity to the future occupants. The proposed units, together with individual rooms, would be of a good size, whilst all habitable rooms would be naturally lit. The dwellings would meet the Nationally Described Space Standards in accordance with Local Plan policy HOU12. Each dwelling would have adequate external amenity area or access to communal areas. As such, the living conditions of future occupiers would be acceptable. It would therefore comply with policy HOU15 of the local plan and paragraph 130 of the NPPF.

Human Rights Issues

100. 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).

Planning Balance and Conclusion

101. The application site lies outside of settlement confines and within the AONB, where planning policy controls new development. The proposal doesn't address any of the exceptions allowed for by any of the local planning policies and as such, it is considered to be unacceptable in principle. The proposed development would detract from the character of the AONB and would cause significant harm to the character and appearance of the immediate area including the setting of the nearby listed buildings, the Conservation Area and the wider landscape. The limited benefits associated with the proposal (i.e. provision of open market housing with an element of local needs housing constituting a total of 23%) are considered to be more than outweighed by the significant and demonstrable harm caused. Therefore, the proposal would be contrary to policy ENV3b, HOU1, HOU2, ENV13 and paragraphs 174, 176, 177, 180 and 197 of the NPPF. By virtue of the concentration of affordable housing in the corner of the site, it would fail to represent principles of good design. As such, it would be contrary to policy SP6 of the local plan and paragraph 130 of the NPPF. In the absence of a S106 obligation no provision is made to secure the affordable, self/custom-build and accessible/adaptable housing and other relevant infrastructure and open space contributions. Therefore, the lack of contributions would constitute a reason for refusal. No ecological survey of the area allocated for the attenuation basin has been carried out to demonstrate that the development would not cause harm to the protected species on site.

Finally, inadequate landscape buffer has been provided along the northern boundary of the site. Therefore, it would be contrary to policy HOU5 of the local plan. In addition to this, no details of the buffer adjoining the Ancient Woodland have been provided with the application. Therefore, it would be contrary to paragraph 180(c) of the NPPF. Having regard for the above, the application is recommended to be refused.

Recommendation

Refuse

Reasons for refusal are as follows:

1. The proposed development would introduce an overtly planned layout, at a density which would fail to relate to the density of the existing development at the edge of the countryside. The proposal would fail to create an inclusive and cohesive environment and would be at odds with the prevailing character of the area and would not represent principles of good design as described within the National Design Guide 2021. By virtue of the location of the site, topography, siting, density and scale of the proposed development, the proposal would be prominent and highly visible in wider views, introducing a hard-built development along the edge of the countryside that would detract from the character of the area. The proposal would significantly and demonstrably harm the character and appearance of the countryside and the wider landscape (AONB), contrary to policies HOU5 and ENV3b of the Ashford Local Plan (2030) and paragraphs 130, 174 and 176 of the National Planning Policy Framework (2021).
2. The proposal would lead to less than substantial harm to the significance of the designated Conservation Area (heritage assets), non-designated heritage assets and the settings of nearby listed buildings. The public benefits arising from the provision of housing, whilst attracting some weight in the balance, are not considered to significantly outweigh the demonstrable harm identified. Therefore, the proposal would be contrary to policies HOU5 and ENV13 of the Ashford Local Plan 2030 and paragraphs 197, 199, 202 and 203 of the National Planning Policy Framework.
3. The proposal fails to demonstrate that an appropriate landscape buffer of at least 15m would be provided along the northern boundary of the site. Therefore, the proposal would be contrary to policy HOU5 of the Ashford Local Plan 2030.
4. The proposal fails to demonstrate that an appropriate buffer of at least 15m would be afforded with the Ancient Woodland adjoining the area allocated for the attenuation basin. In the absence of evidence to the contrary which ensures that an adequate buffer is provided and would be retained as such, the proposal has the potential to negatively impact upon the irreplaceable habitat and as such would be contrary to paragraph 180(c) of the NPPF.

5. The proposed development would make inadequate provision for affordable housing (for Borough wide need) i.e. it would provide a single cluster of 5 affordable units towards Borough wide need which would equate to 16.6% contrary to the provisions of Policy HOU1 of the Ashford Local Plan 2030 whilst the proposal would not qualify as a specialist housing scheme as the proposed provision of local housing scheme would be limited to 23% of the total housing provision. As such it would also be contrary to Policy HOU2 of the Ashford Local Plan 2030. Furthermore, in the absence of any legal agreement to secure the necessary infrastructure contributions and affordable housing, self-build housing and accessible/adaptable housing, the proposal would be contrary to Policies HOU1, HOU6, HOU14, IMP1, COM1, COM2, COM3 and IMP2 of the Ashford Local Plan 2030 and paragraphs 64 and 65 of the NPPF.
6. The part of the application site allocated for the creation of attenuation basin, by virtue of its location, adjoining trees and unmanaged grassland (Ancient Woodland), is reasonably likely to provide habitat for protected species particularly reptiles. The application has failed to demonstrate that the protected species would not be adversely affected, or that appropriate mitigation could be secured, contrary to The Wildlife and Countryside Act 1981, as amended, paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation - statutory obligations and their impacts within the planning system', and paragraph 180 of the NPPF.

Note 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 21/01406/AS)

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