

<b>Application Number</b>	17/01320/AS
<b>Location</b>	Land adjacent to Old Corn Store, Pluckley Road, Charing, Kent
<b>Grid Reference</b>	594740/148783
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Outline application for the erection of 3No. new dwellings with shared access driveway and associated external works
<b>Applicant</b>	Ms A Pattinson
<b>Agent</b>	Mr N Blunt, Urban Curve Architecture
<b>Site Area</b>	0.33ha

(a) 11/1R, 1S                      (b) Charing PC S                      (c) BTOH -; KCCE X, EH X, BTOD X; SWS X

## Introduction

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

## Site and Surroundings

2. The application site is located to the north west of Pluckley Road to the south of Charing village and comprises the Broadways Slipway, a narrow strip of undeveloped land sited between The Old Corn Store to the south west and Broadway Cottages to the north east. Located on the village periphery the site forms a significant visual break in the continuous line of built development on this section of the road and signals the transition from village settlement to open countryside. The site is in the Charing Farmlands Landscape Character Area.
3. Measuring 2300m<sup>2</sup> in area, the site is surrounded by hedging and mature trees of varied species some of which are subject to the TPO 29 of 2017. The trees and hedge enclose the site and provide the site with a woodland feel. Through gaps in the boundary planting long range views west towards more

distant countryside can be glimpsed. These add to the semi-rural character of the site and its surroundings.

4. The site lies adjacent to Broadway Cottage and opposite Broadway House both of which are grade II listed. The Old Corn Store is also considered to have some Heritage value but is unlisted. Access to the site is via an existing gate serviced by a drop kerb onto Pluckley Road. Historic maps and photos indicate that the site has always been a greenfield site. It once formed part of the extended garden of the Old Corn Store although it appears not to have been used for this purpose for more than two decades.

### **Proposal**

5. Outline planning permission is sought for the erection of 3 detached dwellings with access and layout to be considered at this stage.
6. The indicative plans submitted with this application illustrate a linear form of development with the three dwellings sharing one access off Pluckley Road. The proposed dwellings would comprise of two chalet bungalows (plots 1 and 2) and a single two storey dwelling (plot 3)
7. Set back behind the roadside trees, Plot 1 would flank Pluckley Road and back onto the rear garden of The Old Corn Store. Plots 2 and 3 would face Pluckley Road with their main gardens to the north east.
8. Two parking spaces are proposed per dwelling. These would be to the south of Plot 1 and the south west of Plots 2 and 3.



Figure 1 Site Location Plan

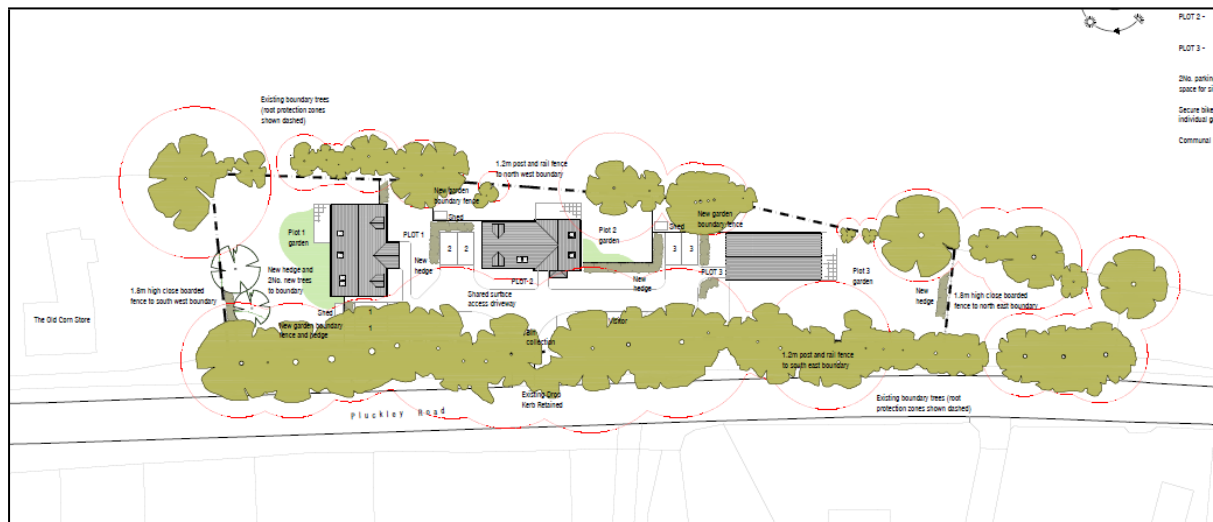


Figure 2: Indicative Layout

### Planning History

DC	OA	01/01476/AS	2 detached dwellings	REFUSED
DC	FA	88/01287/AS	Erection of bungalow and detached garage/workshop on garden/amenity land	REFUSED

### Related History

DC	FA	17/00303/AS	Outline planning application for up to 245 dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area (LEAP and MUGA), balancing ponds, vehicular access point from Pluckley Road and associated ancillary works. All matters reserved with the exception of the means of access onto Pluckley Road.	REFUSED
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### Consultations

**Ward Members:** The Ward Member is a Member of the Planning Committee.

**Charing Parish Council:** Support on the condition that a boundary treatment agreement can be agreed with the neighbour.

**KCC Highways:** Do not wish to comment

**KCC Biodiversity:** No Objections subject to conditions ensuring appropriate mitigation measures are implemented regarding dormice.

**Environmental Services:** No Objections subject to conditions regarding disposal of sewage

**Project Office:** No Objection subject to SUDS condition

**Southern Water:** A formal application for a connection to the foul sewer is required

**Neighbours:** 11 neighbours consulted 1 letter of objection received stating the following:

- Proposal is not infill development.
- Not a brownfield site.
- Proposal would undermine the Council's position in refusing the application for 245 homes to the north west of the site.
- Development would cause visual harm on approach to the south of Charing.
- Proposal would lead to future pressure for removal of the established trees.
- Proposal would set a precedent for the ribbon development that is remote from the village centre.
- Need for housing has been met within the Borough's draft local plan.

1 letter of support received stating the following:

- The land is Gault clay and tends to be very wet in winter and as such is only suitable for summer grazing.
- The lot was once part of a garden and maintained as a mown lawn,
- Charing's recent Neighbourhood Plan questionnaire results evidence that the majority of Charing residents feel that small developments of smaller houses are most needed.
- This appropriately scaled development of this small site is entirely in keeping with the identified need.

## **Planning Policy**

9. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30. The new Ashford Local Plan to 2030 has now been submitted for examination and as such its policies should now be afforded some weight.
10. The relevant policies from the Development Plan relating to this application are as follows:-

GP12	Protecting the countryside and managing change
EN9	Setting and entrances of towns and villages
EN10	Development on the edge of existing settlements
EN12	Private areas of open space
EN32	Trees of Importance

**Local Development Framework Core Strategy 2008**

CS1	Guiding Principles
CS2	The Borough Wide Strategy
CS7	The Economy and Employment Development
CS9	Design Quality
CS11	Biodiversity and Geological Conservation
CS20	Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS1	Minor residential development or infilling
TRS2	New residential development elsewhere
TRS17	Landscape character & design
TRS18	Important rural features

**Ashford Local Plan to 2030**

SP1	Strategic Objectives
SP3	Strategic approach to Economic Development
SP6	Promoting High Quality Design
HOU3a	Residential Development in the rural settlements

HOU5	Residential windfall development in the countryside
HOU12	Residential space standards internal
HOU13	Homes suitable for family occupation
HOU14	Accessibility standards
HOU15	Private external open space
TRA3a	Parking Standards for Residential Development
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light pollution and promoting dark skies
ENV5	Protecting important rural features
ENV9	Sustainable Drainage
ENV13	Conservation and Enhancement of Heritage Assets

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

**Supplementary Planning Guidance/Documents**

Sustainable drainage

Residential Parking

Residential space & layout (External space standards)

Landscape Character Assessment

Dark Skies SPD

**Village Design Statements**

Charing Village Design Statement

**Other Guidance**

Informal Design Guidance Notes 1- 4 2015

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets Second Edition (December 2017) (GPA 3)

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2012

12. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-Paragraph 55 states to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Isolated new dwellings in the countryside should be avoided unless there are special circumstances such as
- the essential need for a rural worker to live permanently at or near their place of work in the countryside
  - the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - the development would involve the re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling.
13. Paragraph 216 states in relation to the stages of preparing a Local Plan that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and



- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Guidance (NPPG)

**Assessment**

14. The main issues for consideration are:
- a) Principle of Development
  - b) Landscape Character and Visual Amenity
  - c) Heritage and impact upon heritage assets
  - d) Residential Amenity
  - e) Highway Safety Parking and Accessibility
  - f) Trees and Landscaping
  - g) Biodiversity and ecology
  - h) Drainage and Sewerage
  - i) Whether planning obligations are necessary

**Principle of Development**

15. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations. The site is not allocated for development in the adopted Development Plan and is not proposed for allocation in the emerging Local Plan to 2030. Therefore, it is a potential windfall site in the countryside.
16. The site borders the settlement of Charing to the north east which is identified as one of the villages where minor residential development or infilling would be acceptable. As it does not form part of a built up frontage and due to the number of units proposed it would not comply with policy TRS1 of the Tenterden & Rural sites DPD or with policy HOU3a of the emerging Local Plan to 2030

17. The application site is a greenfield site which lies outside the built confines so would be contrary to policy TRS1. Policy TRS2 covers new residential development in the countryside and sets out the exemptions under which new dwellings may be considered acceptable. The proposal is not for an agricultural workers dwelling, does not involve the re-use or adaption of an existing building, is not for a replacement dwelling or 'local need' scheme. The scheme fails to meet the requirement of this policy and is therefore contrary to the adopted Development Plan.
18. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests in Footnote 11 to para. 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied. The starting point is therefore whether policies in the Development Plan comply with the NPPF and to consider the relative social, economic and environmental elements of a proposal as these are the three dimensions of 'sustainable development' described in para. 7 of the NPPF.
19. One of the core planning principles of the NPPF is to "take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided. Charing is an identified local service centre with a good range of services and facilities including a school, surgery, village hall, shops (including a butchers and fishmongers), play area and sports grounds and clubs. There is a regular bus service and trains to Ashford which are within 500m of the site. The site would not be 'isolated' in NPPF terms and therefore it is appropriate to consider the balance of impacts and benefits of the proposal required by para. 14 of the NPPF.
20. The site forms an undeveloped gap on the edge of the village settlement. The character of the west side of Pluckley Road at this point is different to the east side being less developed with more open views of the countryside beyond. There would therefore be a physical environmental impact from the proposed built form. Whilst, the site does not lie within any nationally-designated landscape area, and this would be a moderate scale of development it is difficult to see how the proposal would integrate into the existing frontage.

21. The Council recognises the social and economic benefits of providing housing in terms of meeting need and generating employment, for example, during construction. In addition, future residents would buy goods and utilise nearby services providing economic benefits to the locality. Furthermore, contributions towards infrastructure can be sought from this residential development, the scheme would require infrastructure to support it and can be sought through a planning obligation. In addition to this, it would not lead to the loss of employment, leisure or community facilities. However these benefits need to be set against any harm caused by the development.
  
22. The site is not within the village of Charing as it is on an approach road therefore policy HOU3a would not be applicable. Policy HOU5 of the emerging Local Plan to 2030 covers housing developments adjoining or close to the existing built up confines of settlements such as Charing. It provides a set of criteria against which proposals should be considered and which reflect the guidance in the NPPF. In summary :
  - a. The scale of development should be proportionate to the level of service provision in nearest settlement
  - b. within easy walking distance of basic day-to-day services
  - c. safely accessed from the local road network and traffic can be accommodated
  - d. located where it is possible to maximise public transport, cycles and walking to access services
  - e. conserve and enhance the natural environment and any heritage assets
  - f. be of high quality design
  
23. This policy carries some weight at present and greater weight can now be attributed to housing supply policies such as policies TRS1 and TRS2 with a five year housing land supply.
  
24. The scale of proposed development would be proportionate to the level of service provision in the settlement. It would therefore accord with criterion a). Criterion f) is a reserved matter. The other criteria are assessed in the remainder of the report. In light of the guidance set out in the NPPF the proposed development could be considered to be acceptable in principle subject to no significant or demonstrable harm arising from it.

### **Landscape Character and Visual Amenity**

25. The application is in outline form with access and layout to be considered at this stage. As such in terms of assessing visual impact this relates to the

quantum of development rather than detailed design and the impact of the access point.

26. Saved policies EN9 and EN12 seek to protect the setting of the Borough's villages. Entrances into the villages are important aspects which affect the relationship between the village and the countryside. Much of the character of the rural settlements derive from this relationship, in accordance with these policies. Policy TRS17 requires development in the rural areas to be designed in such a way that it protects and enhances the particular landscape within which it is located. Amongst other things, proposals are required to have regard to the pattern and distribution of settlements, roads and footpaths. The policy also states that existing features that are important to the local landscape character shall be retained and incorporated into the proposed development. This is supported by policy TRS18 and emerging development plan policies ENV3a and ENV5
27. Development along Pluckley Road indicates a traditional settlement edge and pattern of development. Dwellings are scattered at a low density with large areas of open space in between becoming more rural and less dense as one moves further away from the settlement. Architectural styles vary from traditional to modern, and whilst the rural character of the area is partly compromised by the more modern developments that can be seen from the road, the plot sizes are larger and more spacious. The more traditional styles sit within the village edge landscape setting and are set amongst mature trees. There is a strong and well defined transition from the countryside into the village and the rural edge is one where the rural character dominates.
28. The applicant's planning statement states that the site is scrubland of no amenity value. It also states that the land is not designated and contains relatively few significant or particularly distinctive landscape features. Whilst it is agreed that the site does not carry any landscape designations, it does reflect the characteristics of the identified Landscape Character Area, enclosed by native deciduous trees and hedgerow which line the road and separate the site from fields to the north west, the site has a spacious sylvan character. The woodland character of the site is such that the site is considered to make an important environmental and visual contribution to the character and appearance of the area and the entrance into Charing in landscape terms.
29. The proposal is for three detached dwellings forming a continuous line of development from Broadway Cottages to the north east and The Old Corn Store to the south. The proposed layout proposes a residential cul-de-sac with Plot 1, flanking Pluckley Road and Plots 2 and 3 fronting it.
30. The introduction of this number of units of the scale proposed on this site would result in a very suburban and cramped form of development which would be alien and incongruous in comparison with the layout and form of much of the surrounding built development. It would not respect the prevailing

pattern of development along Pluckley Road resulting in the loss of a visually important area of open land on the village fringe. The rural views which contribute to the character of the road, would be lost, causing significant harm to the visual amenity of this gateway into the village, This would be contrary to the guidance contained within the Charing Village Design Statement which states that the sprawl of development should be strictly controlled in order to maintain the sensitive soft edges between the current settlement and the rural landscape.

31. The proposed development would alter the settlement pattern significantly and unacceptably by changing the nature of the existing village edge. It would fail to protect or enhance the character of the landscape within which it would be located, would be at odds with the important and established character of the rural edge and would result in a visually harmful form of development due to the proposed location, scale and density.
32. As a result the development would fail to comply with policies GP12, EN9, EN10 EN12, CS1, CS9, TRS17 and TRS18 and it would also be contrary to the guidance contained within the Council's adopted Landscape Character Assessment SPD and the Charing Village Design Statement. The development would also fail to comply with emerging policy SP1, ENV3a and ENV5. The development would also fail to conserve or enhance the natural environment which is contrary to the core planning principles of the NPPF, and would not comply with paragraphs 56 and 64 of the NPPF which opposes development of poor design that fails to take the opportunities available for improving the character and quality of an area.

### **Heritage and impact upon heritage assets**

33. The NPPF attaches great importance to the protection of designated heritage assets. It seeks to conserve heritage assets in a manner appropriate to their significance. Para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. This is supported by local policy CS1 and emerging policy ENV13. This issue was a major consideration at the recent appeal into proposals for 245 dwellings on land to the rear of this site.
34. Pluckley Road is a historic route from Pluckley to Charing. Prior to the arrival of the railway, the development along this road would have been sporadic and limited to intermittent houses along the road frontage. Judging by the differing widths of the road, this was likely a drovers' route, allowing livestock to be moved from pasture to Charing market. Later development has infilled the frontage, particularly to the south east side of the road, leaving the north west side of the road with wide areas of woodland bounding the road; the railway

acting as a natural barrier between the village and the fringe development along Pluckley Road.

35. The application site, possibly originally part of the open meadows to the west, has historically been left undeveloped. As stated above, development along Pluckley Road indicates a traditional settlement edge with sporadic dwellings scattered at a low density with large areas of open space in between. The application site forms an important area of open land, with its boundary planting it makes an important and positive contribution to the setting of the village and significant contributions to the edge of settlement character of Broadway House and Broadway Cottages (both grade II listed).
36. Broadway Cottages forms a pair of C18 cottages and are sited directly adjacent to the north boundary of the site. They are typical rural cottages, of a modest scale, built as farmworkers cottages, on the edge of open fields, fronting what appears to have been a drover's route, linking pasture with a market town. Their significance is, in part derived from their age and condition, but also from their rural setting. Broadway House is a more substantial house, dating from 1800/early C19 and is set back from the road frontage in a much larger plot, as befitting its "higher status" at the time they were built. The Old Corn store is also considered to be a Heritage asset.
37. Whilst the drover's route has been built along to some degree with modern houses, mostly on the southern side and all but a small cul-de-sac, fronting the road, the cottages still benefit from what is essentially their historic rural setting, with a tree belt directly to the south west and large areas of open fields to the west. The survival of historic field patterns, hedgerows and tree belts do not diminish the historical association between these cottages and their rural setting, but they enhance it. It is an established, historic relationship.
38. The submitted proposal would decrease the listed buildings' edge of settlement and semi-rural character. It would result in a suburbanising effect to part of the buildings' setting which has remained undeveloped and rural in character for well over 200 years. This would result in an erosion of the historic interest and legibility of the buildings, specifically of Broadway House as a high status compact detached country dwelling of c.1800 and Broadway Cottages as a row of 18th or early 19th century rural workers dwellings, both of which are currently experienced in a rural fringe location. The development of this site would not preserve this part of the buildings' setting and would result in less than substantial harm, within the meaning of paragraph 134 of the NPPF. Section 66(1) of the 1990 Act places a strong statutory presumption against granting planning permission for development that would fail to preserve the setting of a listed building. It is a matter therefore that must be given considerable importance and weight in the planning balance.
39. Weighing the harm against the public benefits of the proposal pursuant to paragraph 134 of the NPPF. The public benefit would be the increase in

housing supply, biodiversity enhancement and the economic benefits from construction and then the increase in spending from new residents. However whilst these are important benefits they do not outweigh, the level of harm which would be caused, to the setting of these buildings heritage assets as a result of the loss of this open space. Whilst landscaping and appearance are reserved matters and measures could be used to mitigate the impact; the encroachment of this extent of development would lead to the loss of the historical landscape character.

40. The harm to the significance of the designated heritage asset is not outweighed by the public benefit identified and therefore permission should be refused. As a result the development would fail to comply with policies CS1, CS9, TRS17 and ENV13. The development would also fail to comply with emerging policies HOU5 and ENV13. Due regard has been given to the provisions of Section(s) 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and permission should be refused.

### **Residential Amenity**

41. The detailed design of the development is not being considered at this outline stage of the application, as these matters are reserved. It is therefore not possible to judge conclusively whether the development would result in overlooking into the most private gardens and windows of these dwellings. Notwithstanding this, the illustrative site plan and Design and Access Statement show that the development would be set back from the site boundaries to allow for existing vegetation to be retained and enhanced creating a buffer between the proposed and the existing built development. Further, given that the majority of the neighbouring properties have large gardens, consistent with the character of the rural edge of the settlement, I am satisfied that the development could be arranged so that it was not overbearing development.
42. In terms of the future occupiers of the development, should planning permission be granted, the reserved matters applications will need to show that the houses themselves meet with the prescribed space standards for both the houses and gardens which should be sufficiently private. Further, the layout will need to ensure that reasonable levels of privacy would be achieved
43. On balance I consider that the development would not be harmful to residential amenity and the proposals would comply with the Development Plan, NPPF, NPPG and emerging Local Plan 2030 and guidance from the Council and central government in that respect.

### **Highway Safety, Parking and Accessibility**

44. As stated above the NPPF requires proposals to be:
  - a. within easy walking distance of basic day-to-day services

- b. safely accessed from the local road network and traffic can be accommodated
  - c. located where it is possible to maximise public transport, cycles and walking to access services
45. The indicative layout plan indicates that two off road parking spaces per dwelling could be provided in accordance with the Council's adopted residential parking standard. Access to the proposed dwellings would be via the existing access where visibility is good and adequate visibility splays can be provided. The vehicle movements associated with the residential use of the site would not generate significant increases in traffic which would be detrimental to highway safety.
46. Secure and covered cycle storage can be provided in the sheds in the rear gardens. Overall there is no objection in terms of highway safety or capacity the proposal is considered acceptable in terms of its impact upon the highway.
47. With regard to accessibility, the site is situated at some distance from the services within Charing Village including the primary school and shops. Although the railway station is nearby footpath routes to it are substandard as indeed they are going further north towards the main village. The nearest bus stop is some distance away. Pluckley Road is an HGV route and large vehicles regularly over run pavements. This issue was also a major consideration at the recent appeal into proposals for 245 dwellings on land to the rear of this site. In my view although the impact of 3 dwellings is not significant in sustainability terms, the site cannot be said to be within easy walking distance of day-to day services or located where it is possible to maximise use of public transport.

### **Trees and Landscaping**

48. Saved local development plan policy EN32 protects important trees and woodland within the borough, stating that when assessing proposals involving trees the Council will consider the value of existing trees affected and decide whether they are important in their particular context. Where they are, they will have to be protected both in the layout design and during the construction of any buildings. Proposals that would damage or result in the loss of important trees will not be granted planning permission. This is up to date with NPPF which states planning permission should be refused for development which results in the loss of trees found outside of ancient woodland unless, the need for and the benefits of the development in that location outweigh the loss.
49. According to the submitted Arboricultural statement the proposal would result in the immediate loss of 11 individual trees and 2 groups (para 4.1. arb impact assessment) out of a total of 40 individuals and 5 groups surveyed. The trees



to be removed are Category C and Category U trees and are of low quality. Their loss would therefore be acceptable in this instance. With all of the retained trees being Category B trees, (moderate quality) and subject to a TPO, the sylvan character of the site would be mostly retained.

50. The proposed layout indicates that the proposed development would not compromise the retained trees by building within their root protection areas and, that the proposed dwellings would not experience significant or unacceptable levels of overshadowing which would necessitate significant pruning, crown reduction and/or crown lifting which, would be detrimental to the longevity of the retained trees. The applicant proposes to enhance landscaping along the edges of the site and to incorporate additional trees into the site layout.
51. On balance no significant or unacceptable harm, to the retained and protected trees would result from this proposal.

### **Biodiversity and ecology**

52. Guiding Principles set out within Policy CS1 of the LDF CS identify objectives of ensuring protection of the natural environment and the integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the LDF CS specifically requires development proposals to avoid harm to biodiversity and seeks to maintain and, where practicable, enhance and expand biodiversity. This is also included within policy ENV1 of the draft ALP. Policy CS9 and emerging policy SP6 seek to ensure that natural features of interest are incorporated to celebrate local distinctiveness as well as respond to landscape character and help to minimise the ecological footprint of Ashford's growth over time. These policies pre-date, but are aligned with, the general advice in section 7 of the NPPF on the importance of good design and section 11 which relates to conserving and enhancing the natural environment
53. Whilst accepting that the majority of the site has been cleared and there with limited intrinsic ecological value, there are still habitats and features in and around the site that have intrinsic ecological value and the potential to support protected and designated species, including hedgerows and trees. In particular the ecological report submitted with the application identifies a presence of varies species of bat, dormice and reptiles.
54. Following consultation with KCC Ecology and Biodiversity, and the submission of additional information by the applicant, it is considered that ecological and biodiversity issues can be subsequently mitigated through conditions should planning permission be granted. In light of this I am satisfied that the development would not be harmful to protected species and their habitats and that ecology and biodiversity can be enhanced through the appropriate use of conditions.

### **Drainage and Sewage**

55. The site is located within flood zone 1 and therefore at low risk from flooding from other sources. No flood mitigation measures are therefore required
56. The development will incorporate measures to deal with storm and surface water drainage which are in accordance with all current national and local guidance. It is noted that a discharge rate of 2//s/ha will be required in order to comply with the requirements of the SUDs SPD which would be appropriate
57. Foul drainage would be discharged into the existing foul sewer using an underground pumping station. A connection to the mains sewer would be required from Southern Water.
58. The proposals have been assessed by the Council's engineer and they have raised no objection subject to conditions for a detailed design, implementation and management. This would comply with the Development Plan, NPPF, PPG, emerging Local Plan 2030 and Council's SPD.

### **Planning Obligations**

59. The development for three dwellings would not warrant infrastructure or affordable housing contributions, as per guidance set out in Paragraph 13 of the NPPG, to make the development acceptable in planning terms.

### **Human Rights Issues**

60. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

### **Working with the applicant**

61. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

### **Conclusion**

62. Paragraph 14 of the NPPF planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework, taken as a whole; or specific policies in the framework indicate development should be restricted.
63. The proposal would be contrary to policies TRS1 and TRS2 Development Plan and is not currently allocated, so is a windfall site. Whilst the Council can demonstrate a five-year supply of deliverable housing the application still has to be considered in light of the NPPF's presumption in favour of sustainable development as emerging policy HOU5 has not gone through examination.
64. The application would be on the edge of the village and is unallocated in the emerging Local Plan. Three units on this gateway into the village would result in an overdevelopment of the site where development is transitioning to the countryside beyond. The proposal would have an urbanising effect on this edge of village location.
65. The proposal would also result in the loss of an important area of open space which makes a valuable contribution to how Broadway House and Broadway Cottages (both grade II listed) are read from public vantage points and their relationship to the countryside outside the built settlement causing significant harm to their historical setting.
66. Whilst there would be some are social and economic benefits allowing residential development in this rural area, these would not be outweighed by significant and harmful adverse social and environmental impacts of allowing this proposal and its inconsistency with important policies in the NPPF Consequently, the proposal would not follow the golden thread of sustainable development in the NPPF and fails to comply with the requirements of the NPPF and Development Plan policy as whole. For this reason therefore I recommend the application is refused policies

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

1. The proposal would be contrary to Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS2, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN9, EN10 and EN12 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU5, ENV3a, ENV5 and ENV13 and of the Ashford Borough Local Plan 2030, and the National Planning Policy Framework, and

would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:

- a) the quantity, form and extent of the proposed development would result in the loss of a visually significant gap in the frontage to Pluckley Road and thus would not be consistent with the looser, rural grain of development in terms of the scale, setting and layout along this part of Pluckley Road and would fail to maintain the transition to the countryside causing significant visual harm and urbanisation to the setting of and southern entrance to Charing village
  
- b) The development by virtue of its scale and location would result in the loss of a historically important area of open land which makes an important and significant contribution to the setting of the adjacent listed buildings (Broadway Cottages and Broadway House) thereby causing harm to their significance as Heritage assets.

### **Note to Applicant**

#### 1. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- The applicant was informed/advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 17/01320/AS)

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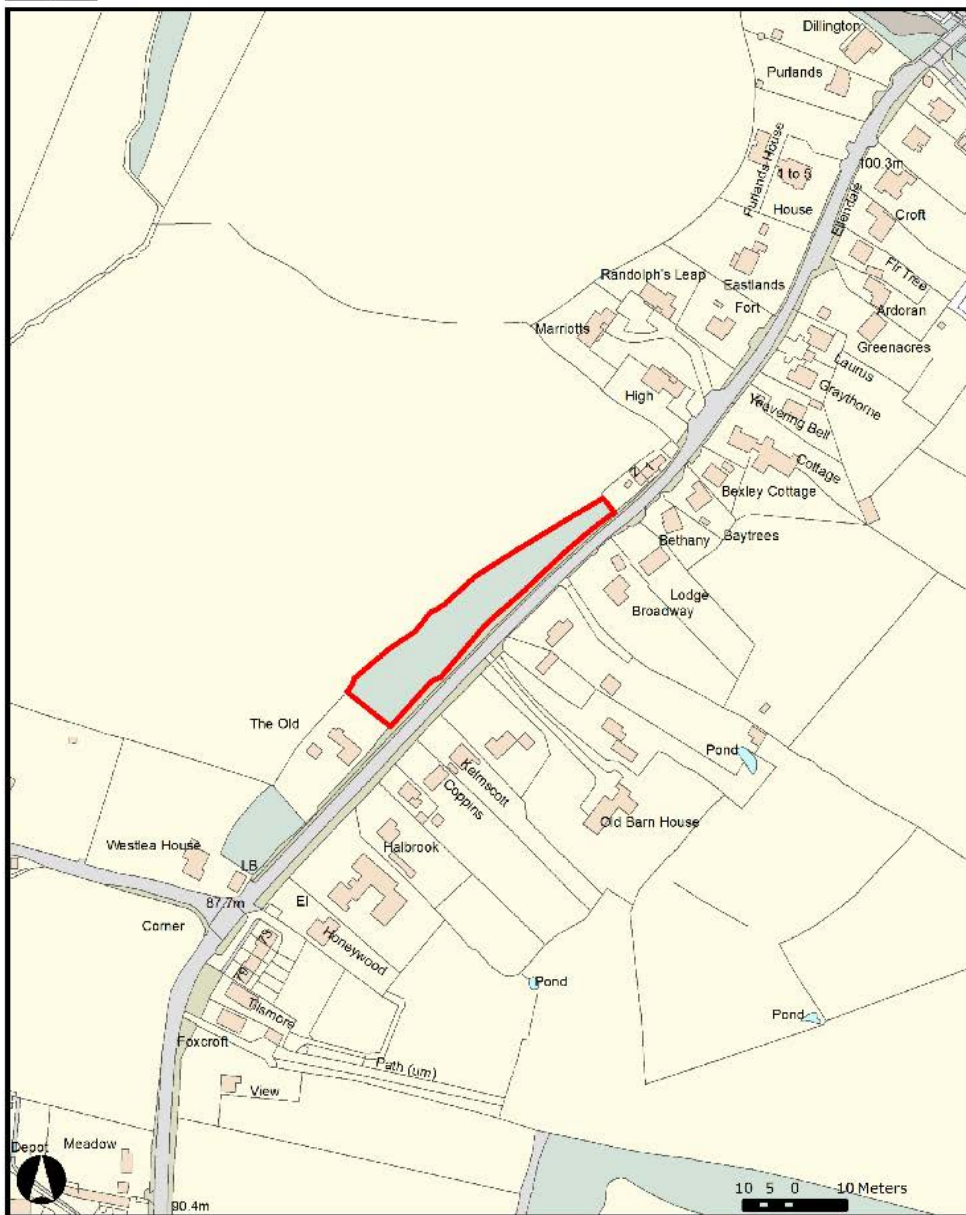
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Annex 1



# Ashford Borough Council



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