

<b>Application Number</b>	18/00097/AS
<b>Location</b>	Thatched Cottage, Cherry Orchard Lane, Bonnington, Ashford, Kent, TN25 7AZ
<b>Grid Reference</b>	051218/358824
<b>Parish Council</b>	Aldington & Bonnington
<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Change of use of existing outbuilding to a holiday let
<b>Applicant</b>	Mr. & Mrs. W. Pielow
<b>Agent</b>	Mr. P. Webster
<b>Site Area</b>	0.31ha

(a) 1/R                      (b) Aldington            &       (c) PROW/ x RAM -  
                                     Bonnington  
                                     Parish Council x

## Introduction

1. This application is reported to the Planning Committee at the request of Cllr. W. Howard, one of the Ward Members, because he is concerned about the neighbour's objections and the recent history of breaches of planning control for the site.

## Site and Surroundings

2. The site consists of a single storey outbuilding with a pitched roof, which is sited to the rear of a detached two storey cottage which is a Grade II listed building. The building is set back from the road frontage and is well screened by hedging and shrubbery. The outbuilding is accessed from a private track which also serves the nearby property "Thrift Cottage".
3. The site is situated within an area of predominantly open countryside and is within the Bonnington Wooded Farmlands Landscape Character Area. A public footpath runs immediately along the northern boundary of the site, parallel with the outbuilding.. There is an area of hardstanding for the parking of vehicles which adjoins the outbuilding.



Figure 1 Site Location Plan

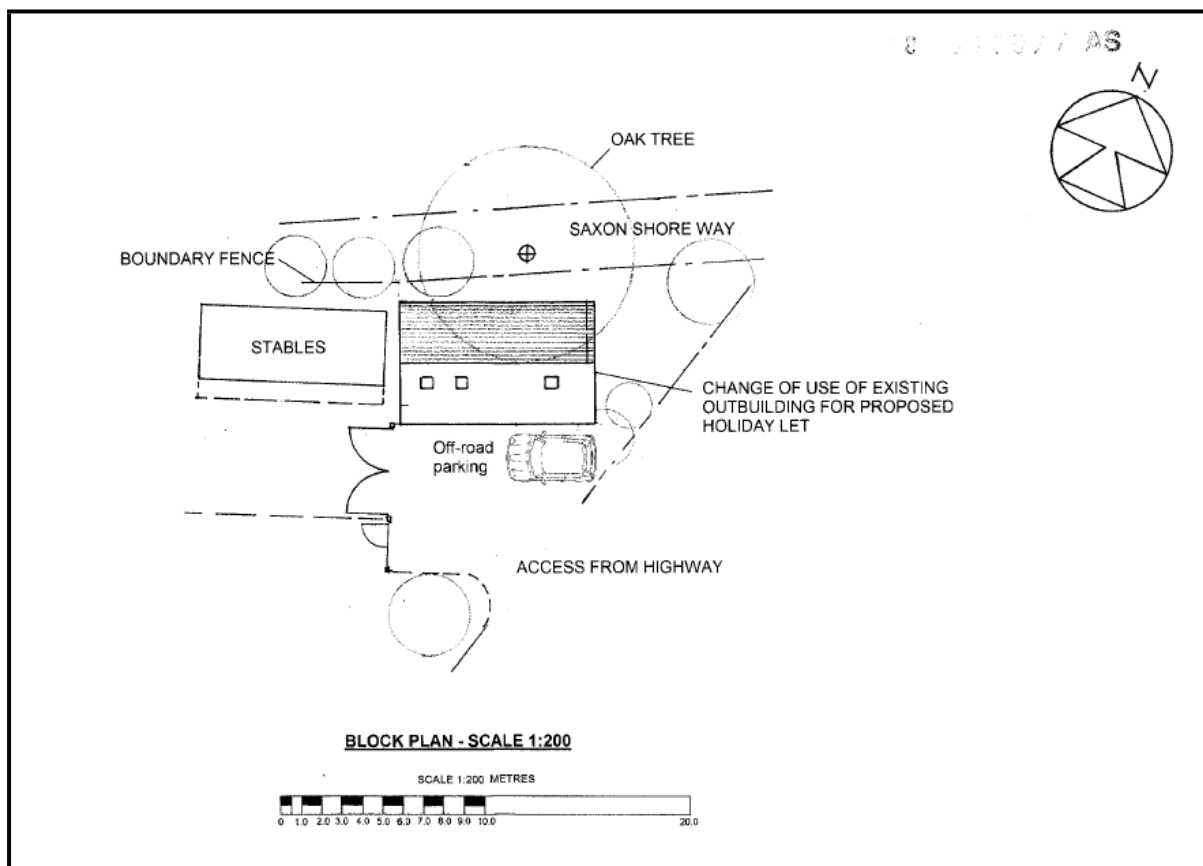


Figure 2 Block Plan

## Proposal

4. The application seeks full planning permission for the change of use of the existing outbuilding to a holiday let property. The building will contain a kitchen/living room, two bedrooms and a bathroom.

## Planning History

14/00739/AS Erection of outbuilding for a home office, workshop and playroom. Approved.

02/01016/AS Demolition of extension to cottage and construction of a new one and a half storey extension. Approved.

01/01486/AS Erection of stables and hay store. Approved.

98/01033/AS Extensions and improvements to the cottage. Approved.

## Consultations

**Ward Members:** Neither Ward Members, Cllr. W. Howard or Cllr Miss Martin, are a members of the Planning Committee.

**Aldington and Bonnington Parish Council:** No objections

**Kent Highways Right of Ways:** No objections, providing the public footpath is not obstructed.

**Ramblers Association:** No comments received.

**Neighbours:** 1 neighbour was consulted. A site notice was posted and the application was advertised in the press.

One representation has been received objecting to the application on the following grounds:

- The building has already been used as a dwelling
- The building is sited close to a neighbouring property and if approved it would result in noise and disturbance for the neighbour
- It is in a remote rural area well away from any local services

## Planning Policy

5. 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
6. The relevant policies from the Development Plan relating to this application are as follows:-

### **Local Development Framework Core Strategy 2008**

CS1            Guiding Principles

CS9            Design Quality

### **Tenterden & Rural Sites Development Plan**

TRS11	Conversions of rural buildings to non-residential uses
TRS12	Conversions of rural buildings to tourist-related residential uses
TRS17	Landscape character & Design
TRS18	Important Rural Features

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

### **Emerging Ashford Local Plan to 2030**

SP1	Strategic Objectives
EMP4	Conversion of rural buildings to non-residential uses
EMP	Tourism
ENV3a	Landscape Character and Design

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

### **Supplementary Planning Guidance/Documents**

Residential Parking and Design Guidance SPD 2010

Landscape Character SPD 2011

Dark Skies SPD 2014

### **Government Advice**

National Planning Policy Framework (NPPF) 2012.

8. 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.

9. 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).”

9. The following sections of the NPPF are relevant to this application:-

- Paragraph 14 sets out the mechanism for determining applications in accordance with the presumption in favour of sustainable development.
- Paragraph 17 sets out the core planning principles including always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 7 sets out requiring good design.
- Section 11 sets out conserving and enhancing the natural environment. Paragraph 118 contained within this section states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.
- Section 12 sets out conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

## **Assessment**

### **Introduction**

10. There have been allegations made that the outbuilding has been used and occupied as a single independent dwelling. These matters have been

investigated by the Enforcement Section and it has been confirmed that the outbuilding is not being used as a single independent dwelling. It has been used by the current owners for ancillary domestic use in conjunction with the existing dwelling at "Thatched Cottage"

### **Principle**

11. The use of a domestic outbuilding for a holiday let would be in line with planning policies which encourage rural tourism in the area. The development of rural tourism in the area will bring positive benefits to the local rural economy. The building is of adequate size and floor area to accommodate normal family holiday use. The conversion of the building to a tourist related activity is acceptable and is in line with policy TRS12. It needs to be subject to a condition that restricts the occupancy of the building to holiday makers or tourists.
12. The outbuilding is a permanent, substantial structure which does not require complete or large scale reconstruction to convert it into a holiday let property. The holiday let use would not generate excessive vehicular traffic generation which would be inappropriate for the surrounding rural road network. The conversion of the building to a holiday let can be carried out in a manner which preserves its integrity and character. The proposals would not result in an adverse impact upon the adjoining properties, the locality and the surrounding landscape.
13. It would appear that the principle of these proposals would not conflict with policies TRS12 and EMP4 and can be accepted from a planning point of view.

### **Visual Amenity**

14. Policy CS1 and CS9 of the Council's Core Strategy expect development proposals to be of high quality design.
15. Policy TRS11 indicates that the scale and nature of the proposed use should not result in any significant adverse impacts on the character of any settlement, buildings or the surrounding landscape.
16. There are no external alterations proposed for the outbuilding which is to be converted to a holiday let property. The external appearance of the building will not be changed and the existing visual amenities of the site and its surrounding

### **Residential Amenity**

17. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is

that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

18. The change of use of the single storey outbuilding on the site is not expected to have a negative impact upon the residential amenities enjoyed by the occupants of the adjoining dwelling to the site at "Thrift Cottage", which is sited on the opposite side of the adjoining road of Cherry Orchard Lane. This property is sited over 40 metres away from the applique siting of the building in relation to the adjoining dwelling is acceptable and is sited sufficiently far enough away from the neighbours so as not to undermine their residential amenities.

### **Noise and Disturbance**

19. It is not considered that the use of the building for holiday let purposes will lead to excessive noise and disturbance that would undermine the residential amenities of the occupants of the neighbouring property at "Thrift Cottage" on the other side of Cherry Orchard Lane.. This adjoining property is sited over 30 metres from the proposed holiday let building. It is also separated by Cherry Orchard Lane, which runs between the site and "Thrift Cottage".The outbuilding for holiday let purposes is sited sufficiently far enough from the adjoining property so as not to cause such problems. The residential amenity of the occupants of "Thatched Cottage" can be adequately safeguarded by the imposition of planning conditions which links the holiday let to "Thatched Cottage". The existing dwelling is closer and it seems likely that any behaviour issues would be dealt with by the owners who will be present on site and nearer.

### **Highway Safety**

20. Policy CS15 of the Core strategy and the Councils Residential Parking SPD relate to transport and parking.
21. There is an existing vehicular access to the site from the adjoining highway. The amount of vehicular traffic generated to and from the site from these proposals is not expected to be excessive and have an unacceptable impact upon local highway safety. There is adequate car parking and vehicular turning facilities on the site to accommodate the vehicular traffic generated by these proposals, together with the access and parking requirements for "Thatched Cottage" on the site.

### **Heritage**

22. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is the Council's statutory duty and obligation to



have regard to the preservation and enhancement of such assets and their setting.

23. Policy CS1 of the Council's Core Strategy (CS) lists conservation and enhancement of the Borough's historic environment as one of its key planning objectives.
24. Emerging policy ENV13 states that proposals which protect, conserve and 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.
25. These criteria are consistent with Government policy set out in the NPPF. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.
26. There are no external alterations proposed for the building to be converted to a holiday let property. Consequently, there are no proposals which would have an adverse impact upon the adjoining listed building and its character and setting. Therefore, there would be no harm to the character of the traditional rural building and its setting will be preserved. As such, the public benefits test set out at NPPF paragraph 134, need not be applied in this instance.

## **Ecology**

27. Policy CS11 of the core strategy states that development should avoid harm to biodiversity and geological conservation interests. Policy EN31 of the Local Plan states that development which significantly affects semi natural habitats will not be permitted unless measures have been taken to limit impact and long term habitat protection is provided where appropriate.
28. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
29. The present condition of the building has been assessed and Natural England's Standing advice has been referred to. There are no features applying to the present condition of the building that suggest any protected habitat or species would be affected by the proposal.

## **Human Rights Issues**

30. 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**

31. 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**

32. In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government planning guidance. The use of the building for holiday let purposes would not have an adverse impact upon the amenities of the Lane. The site has adequate space to provide car parking and turning facilities for vehicles to enter and leave the site in forward gear. The proposals will provide economic benefit to the local area by the provision of tourist facilities.
33. There would appear to be no planning objections to these proposals and accordingly a recommendation that planning permission should be granted has been made.

## **Recommendation**

### **Permit**

#### **Subject to the following Conditions and Notes:**

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

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

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

- 3 The building hereby approved shall be used for holiday accommodation let purposes only and shall not be used for primary residential accommodation as a dwelling at any time to the satisfaction of the local Planning Authority

**Reason:** Such a use would conflict with planning policy which restricts separate residential use.

4. Prior to the commencement of the development details of drainage, works, designed in accordance with the principles of sustainable drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20

5. The building for the holiday let shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-D of Part 1 of Schedule 2 and Class A Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** In the interests of protecting the character and amenities of the locality.

7. An up to date register shall be kept, in legible English, of the main or home address of each of the owners of (and, if different, each of the occupiers) and of any guests using the holiday let and shall make the register available for inspection by the Local planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

**Reason:** To enable the Local Planning Authority to monitor the occupation of the holiday let to ensure that the establishment of a permanent residential use

of the site, which would be contrary to Development Plan policies and detrimental to the character of the area, does not take place.

8. The holiday let hereby approved shall not be operated independently or subdivided from the dwelling known as “Thatched Cottage”, Cherry Orchard Lane, Bonnington, Ashford, Kent, TN25 7AZ unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity of the future occupiers of the dwelling.

9. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents.

10. The holiday let shall not be occupied or the approved use commenced until details have been submitted to and approved in writing by the Local Planning Authority showing space laid out within the site for two cars to be parked and for vehicles to turn so that they may enter and leave in a forward gear. The parking and turning shall be carried out in accordance with the approved details.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety.

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

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

12. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

### **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/agent was updated of any issues after the initial site visit,
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00097/AS)

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