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| Application Number | 22/00892/AS | |
| Location | The Coach House, The Street, Brook, Ashford, TN25 5PG | |
| Grid Reference | 606932 / 144744 | |
| Parish Council | Brook | |
| Ward | Bircholt | |
| Application Description | Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let | |
| Applicant | Churchill Property Trading Limited | |
| Agent | Mr Bax, Kent Planning Consultancy Ltd | |
| Site Area | 0.0236 hectares | |
| (a) 12/42R & 1S | (b) R | (c) KCC Bio X; EA X |

Introduction

1. This application is reported to the Planning Committee at the request of Councillor William Howard who is a member of the planning committee.

Site and Surroundings

2. The application site is located on the eastern side of The Street and is within the built confines of the village of Brook. The site comprises a vacant single storey outbuilding (known as the Coach House), which is grade II listed, as well as a small grassed area containing two trees and an area of hardstanding. The entire application site is also located within the North Kent Downs Area of Outstanding Natural Beauty. The Coach House building is currently vacant, it was previously used in association with the Honest Miller Public House for storage. The Honest Miller Public House is currently vacant and not trading.
3. To the north and east of the application site is the Grade II listed Honest Miller Public House and its car park and beer garden also owned by the applicant. Beyond the Public House are fields / paddocks owned by the

applicant and beyond that agricultural fields. To the south and north of the application site are residential properties which form part of the linear development of the village of Brook.

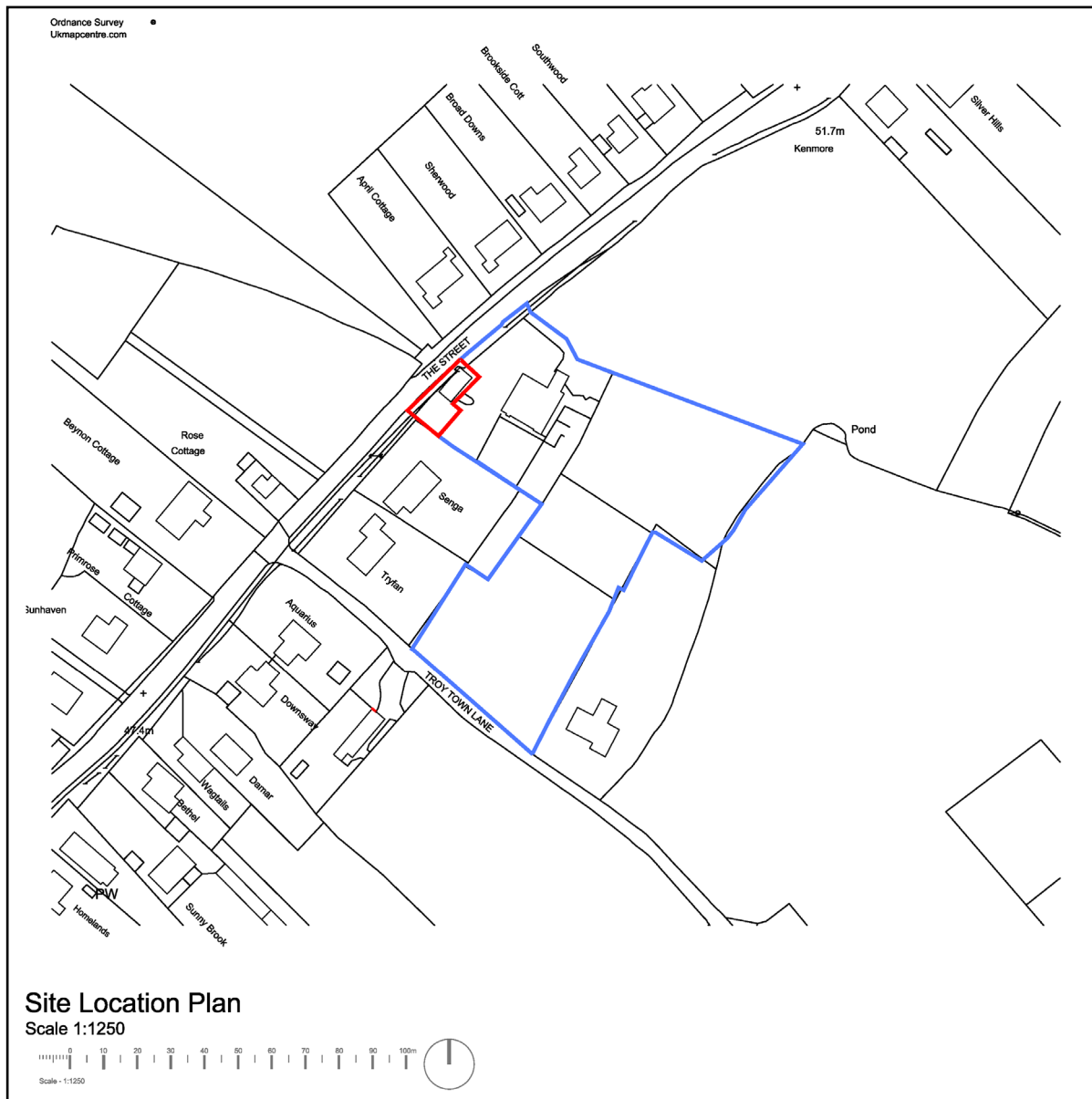


Figure 1: Site Location Plan

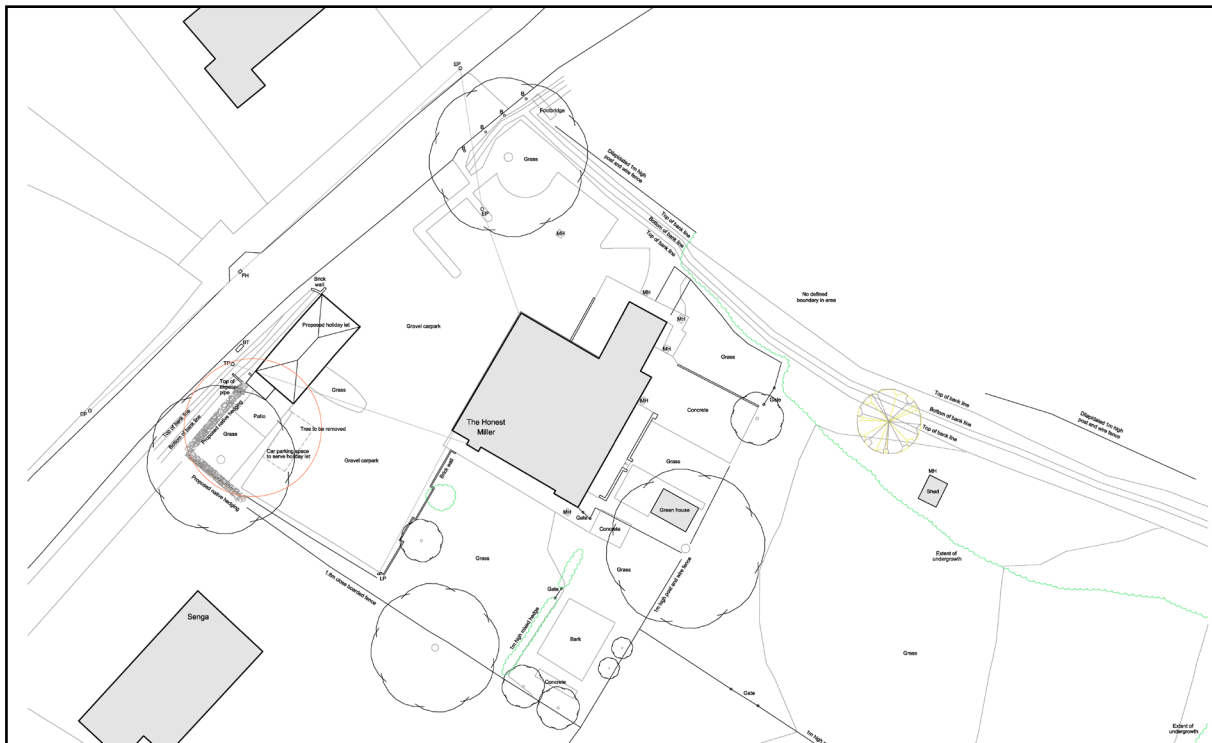
Proposal

4. Planning permission is sought for the conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let, with associated outdoor amenity space and parking provision. The proposed conversion works would involve the creation of an open plan living room and

kitchen at ground floor level and two bedrooms and a bathroom at first floor level.

5. In relation to external works to the building, the proposal would install a new door and window in the north east elevation of the building (both of which would retain the existing shutters), as well as re-opening a window at ground floor level and adding a small roof light in the south east elevation of the building. In addition to this the application would reintroduce a door and add a first floor window in the south west elevation of the building. Lastly, the proposal would add a small single storey lean-to plant room extension to the south west elevation of the Coach House building.

Figure 2 - Proposed Block Plan



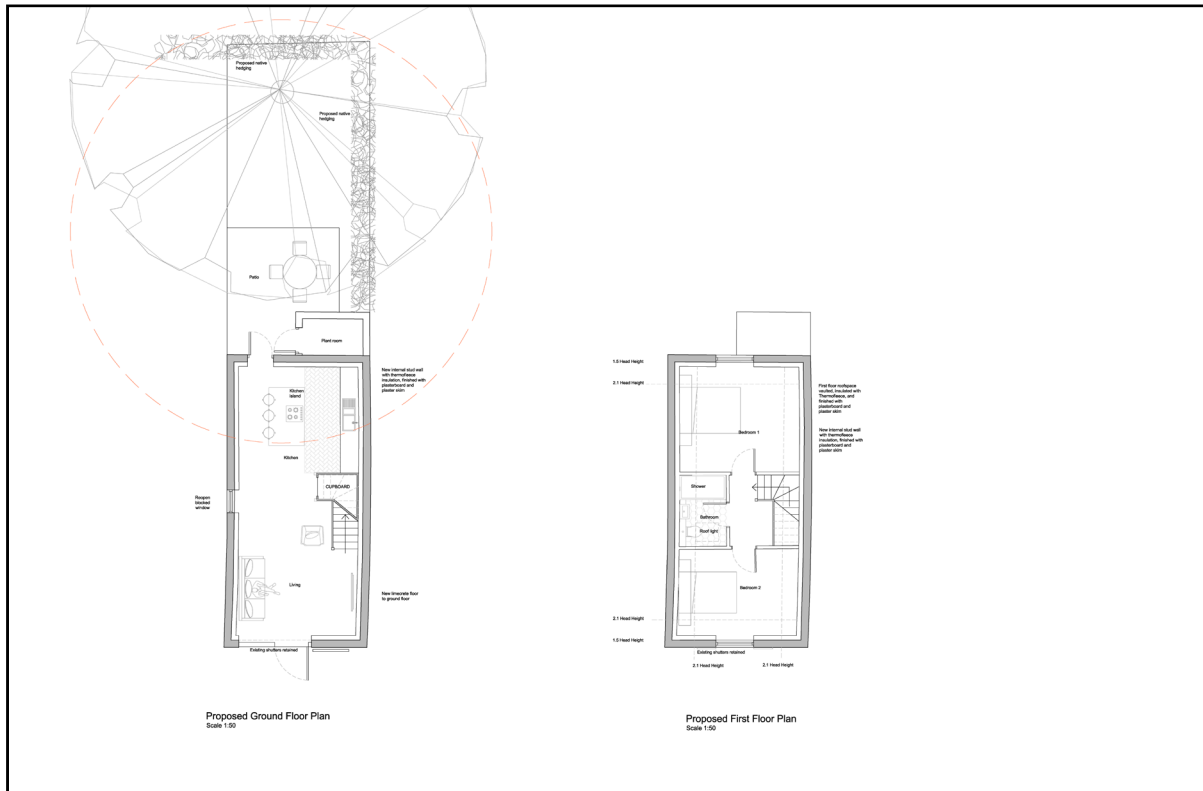


Figure 3 - Proposed Floor Plans

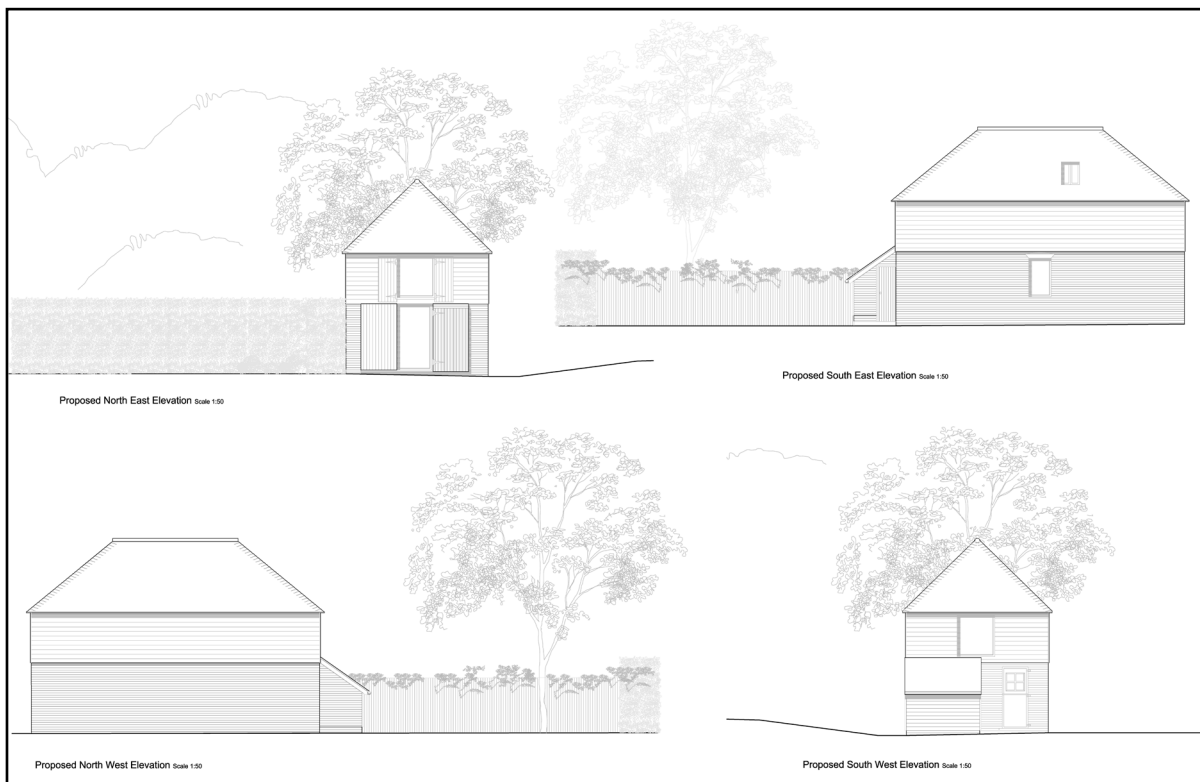


Figure 4 – Proposed Elevations

Planning History

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

- An application for the change of use of the area of land to the east of the Honest Miller Public House for glamping including 6 bell tents and outbuilding to house toilets, showers and washing up area was approved on the 13th June 2019 (application reference 19/00947/AS).
- A planning application for the proposed refurbishment of the Public House, including extensions and fenestration alterations, provision of parking area and seating area with pergola. Conversion of Coach House into a Holiday Let and the erection of 4 no. dwellings with associated parking, garaging, access, landscaping and biodiversity enhancements (application reference 21/01569/AS) was appealed on non determination on the 10th June 2022. This followed on from the agent being advised that the application could not be supported at officer level. As part of the Council's appeal statement of case, the deemed grounds of refusal were:
 1. Inappropriate and unacceptable siting of the proposed 4 houses.
 2. The unsustainable location of the proposed 4 dwellings and resultant unacceptable additional vehicle movements.
 3. The unacceptable visual impact of the proposed dwellings on the AONB, the village setting and the overall countryside locality.
 4. The detrimental impact of the proposed residential dwellings on the character and appearance of the setting of the listed buildings on site (i.e. the Honest Miller and the Coach House).
 5. The detrimental impact of the proposed extensions and alterations to the Honest Miller Public House building and the addition of intrusive external works to the Coach House building and insufficient information was provided with regard to the significance of the internal fabric of both heritage assets. (I would note at this stage that the applicant has removed the 2 offending roof lights from the north west elevation of the building and provided more information with regard to the proposed internal works inside the Coach House building. Therefore, based on the advice of the conservation officer, I believe that unlike the refused scheme, this current application just for the conversion of the Coach House would be acceptable in heritage terms).
 6. One of the proposed dwellings (plot 1) would have a detrimental impact on the amenities of adjoining occupiers.
 7. The proposal failed to demonstrate that wastewater from the proposed holiday let and the proposed dwellings would not add to current

problems of increasing nitrogen and phosphorus levels at Stodmarsh Lakes.

8. The failure to complete a S106 legal agreement securing contributions relating to infrastructure provisions (including affordable housing).

This appeal is still awaiting a decision from the Planning Inspectorate.

- The associated listed building consent application which corresponds with the appeal proposal (application reference 21/01570/AS) and is for the proposed refurbishment of the Public House, including internal alterations, extensions and fenestration alterations, and works of conversion of the Coach House into a Holiday let, is currently pending consideration. The works proposed to the Coach House in the said listed building application are more intrusive than those proposed in the current application.
- A planning application for the erection of 2 no. dwellings with associated parking, garaging, access and landscaping in the southern section of the current appeal site (application reference 22/00889/AS) is currently pending consideration.
- The listed building consent application (application reference 22/00893/AS) which corresponds with this current application is currently pending consideration.

Consultations

7. **Ward Member:** Is a member of the Planning Committee.
8. **Brook Parish Council:** Objects to the application for the following reasons:
 - The Honest Miller, adjoining land and Coach House is a major hub for the village community and was listed as an asset of community value on 21st January 2021. The Coach House and paddock to the rear of the public house are also included within the listing.
 - It was hoped that the new owner of the Public House would invest and re-open the premises. The applicant appears to wish to maximise the development potential of the entire Public House site, which has led to various housing development applications associated with the Public House.
 - The Public House has remained closed since being bought by the applicant, which is depriving the village of a vital community asset. They question whether the applicant will re-open the Public House.
 - This application is acting as a separate entity to the Public House.

- The proposal for the refurbishment of the Coach House cannot be treated in isolation to a refurbishment of the Public House.
- The Coach House enhances the Public House's role as a community asset and is a complimentary use to the Public House. Both should be retained for the benefit of the village.
- They consider that the granting of the change of use to a holiday let, in the absence of any proposals for the Public House, would impact on the reopening of the Public House as a community asset.
- Although the Coach House and the Honest Miller are separate grade II listed properties, they should be considered as a whole, and not treated separately in isolation.
- They suggest that this application could allow a separate residential use (class C3) on site, which could be sold off in the future, to the detriment of the community asset and the setting of the listed buildings.
- The proposal to convert the Coach House will have a serious impact on biodiversity and the environment.
- The application fails to demonstrate that the proposed overnight accommodation would be 'nutrient neutral' and would not detrimentally impact upon Stodmarsh Lakes and its associated catchment.
- The site is opposite a SSSI within Brook, and the scheme could impact the SSSI.
- Brook does not have any cycle lanes or public transport provision, and the scheme would be reliant solely on the use of car(s) which is not sustainable.
- The proposed holiday let would add to increased congestion on the local roads.

(Officer comment – the issues raised by the Parish Council are addressed in the main body of the report).

9. **KCC Ecology:** They advise that sufficient ecological information has been provided to assess the impact of the converted Coach House building. They are satisfied with the conclusions of the bat emergence surveys that bats are unlikely to be roosting within the building or barn. Therefore, they agree that there is no requirement for a detailed bat mitigation strategy to be submitted as part of this application. KCC Ecology do highlight that bats have been recorded foraging within the site, therefore a lighting plan condition should be imposed upon any permission, in order to minimise light spill and potential impacts on bats. They also suggest an informative be added relating to not disturbing breeding birds.

KCC Ecology advise the development is within 100m of the Wye and Crundale Downs SSSI. However, they consider that the conversion of an

existing building to one holiday let is unlikely to have a significant impact on the SSSI and advise that no information is required on this point.

Lastly, they note that there are limited opportunities for ecology enhancements in relation to this scheme. However, they do recommend that 1 bird and 1 bat box are erected on the building. Sympathetic ecological enhancements can be secured by way of a condition.

10. **Environment Agency:** No objections subject to the imposition of a condition relating to finished floor levels and all sleeping accommodation being at first floor level.
11. **Neighbours:** 12 neighbours consulted, as well as a site notice being put up and a press advert placed. 42 letters of objection and 1 letter of support were received in relation to the application. The letters of objection raise the following concerns:
 - The application site forms part of the Public House site (together with the Honest Miller and associated land). The site should not be split up and sold off separately.
 - No mention has been made of the Public House. However, no application should be determined in isolation from the Public House.
 - The Coach House and the Honest Miller are all part of the same listed site.
 - Separating the Coach House from the Honest Miller would reduce the value of the site and make the Public House less appealing for anyone to buy.
 - Works on the Coach House should only be considered after the Public House has been refurbished.
 - The asset of community value designation encompasses everything within the confines of the Honest Miller's land boundary, and this application would flout the terms of the asset of community value. Removing the Coach House from the Honest Miller would harm the Public House and the community asset.
 - The proposal is in affect a change of use to a residential property with nothing stopping the holiday let becoming a separate residential dwelling, which would harm the Public House and be out of character with the site and area.
 - Parking for the proposal would affect the parking for the Public House.
 - The proposal would affect the issue of Stodmarsh, which is unacceptable.
 - The proposal may affect the wider environment and water courses.
 - The plan for community ownership of the Public House includes many uses for this building which would have a more positive impact on the community than a holiday let (i.e. a village shop).
 - The proposal would worsen flooding in the area.

- The windows, roof lights and small lean-to extension to the Coach House would not respect the listed building and are not in keeping with the surrounding area.
- The applicant should confirm that the Coach House would remain as part of the wider Honest Miller site.
- The Coach House is not a good place to locate new tourist accommodation.
- Concerns raised in relation to how the outside space for the holiday let would be screened. A tall fence would not be visually acceptable.
- Any new hedge planting needs to be of native species.

The letter of support makes the following comments:

- The Coach House is a historic and listed building which is currently dilapidated and in danger of falling down. This has been part of the village's character and it would be a shame to lose such a landmark building.
- As the development is within the existing footprint then its conversion to a holiday let would preserve the architecture and give it a sustainable purpose.
- It would be good to encourage people into the countryside to enjoy and share the North Downs.

(Officer comment – the issues raised by local residents are addressed in the main body of the report).

Planning Policy

12. 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).
13. 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).
14. The relevant policies from the **Development Plan** relating to this application are as follows:-

SP1 - Strategic Objectives

SP3 - Strategic Approach to Economic Development
SP6 - Promoting High Quality Design
COM1 - Meeting the Community's Needs
EMP1 - New employment uses
EMP11 - Tourism
ENV1 - Biodiversity
ENV3b - Landscape Character and Design in AONB's
ENV4 - Light pollution and promoting dark skies
ENV9 - Sustainable Drainage
ENV13 - Conservation and Enhancement of Heritage Assets
TRA3a - Parking Standards for Residential Development
TRA7 - The Road Network and Development

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

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD
Dark Skies SPD
Sustainable Drainage SPD

Government Advice

National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

- Paragraph 47 – Determination in accordance with the development plan.
- Paragraphs 92 - 97 – Promoting healthy and safe communities.
- Paragraphs 126 -136 – Achieving well-designed places.
- Paragraphs 152 -169 – Meeting the challenge of climate change and flooding.
- Paragraphs 174 – 188 – Conserving and enhancing the natural environment.
- Paragraphs 189 – 208 – Conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

Assessment

16. The main issues for consideration are:
- Principle of Development
 - Visual Amenity / Heritage
 - Residential Amenity
 - Highway Safety and Impact upon the Local highway network
 - Ecology
 - Flood Risk, Stodmarsh and Nutrient Neutrality

Principle of Development

17. Central government guidance contained in the National Planning Policy Framework (NPPF) supports sustainable business, enterprise and tourism in rural areas, both through the conversion of existing buildings and well-designed new buildings. The Local Plan also sets out the importance of jobs and economic development. Providing a range of employment in the Borough is important in supporting a growing population and attracting inward investment to respond to the needs of business, which is outlined under Policy SP3. This states that job growth and economic prosperity will be supported in order to enable the achievement of a sustainable economy. This includes promoting rural employment opportunities in sustainable locations in accordance with (as relevant in this instance) policy EMP1.
18. The existing Coach House building was last used in association with the Honest Miller Public House, however, both buildings are currently vacant. The NPPF supports the conversion of rural buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. It is important to note that the application site (Coach House) along with the Honest Miller Public House and land to the east and south east of the Public House all form part of a confirmed asset of community value. Policy COM1 highlights that the loss of existing community infrastructure will be resisted. I am of the opinion that the proposed holiday let accommodation could in fact provide a valuable ancillary use to the Public House use, thereby supporting this community facility.
19. The applicant has stated that the said holiday let would operate in a 'symbiotic relationship' with the Public House, with proposed holiday let use having a strong ancillary role to the Honest Miller Public House use. In addition to this I feel it is also important to note that the car parking provision for the said holiday let could only be accessed via the vehicular access and car park manoeuvring area of the Public House. Therefore, I am of the opinion that the holiday let and the Honest Miller would and should be intrinsically linked. I agree with the objectors and the Parish Council, it would not be appropriate to subdivide the listed buildings and this asset of community value. However, that is not what this application is proposing, and

subject to the proposed holiday let being conditioned to be ancillary to the lawful Public House use of the Honest Miller (which is also owned by the applicant) as well as only being operated by the owner and/or occupiers of the Honest Miller (for the purposes of carrying out a trade or business). I believe that the proposed holiday let would improve the viability of the Public House and would improve the functionality and usability of this asset of community value as a whole increasing its chances of being brought back into use. Such conditions would prevent the Coach House being severed / separated from the Public House which is a legitimate concern that has been raised locally.

20. Policy EMP11 seeks to encourage the sustainable growth of tourism, with the preamble to EMP11 stating that new initiatives must respect the character of an area and should not be harmful to the character of the rural environment. Due to the limited scale of the proposed holiday let accommodation, combined with the close proximity of the proposed holiday let accommodation to the Honest Miller Public House, I am of the opinion that this is an appropriate location for holiday let accommodation. The close proximity to the countryside and surrounding villages also makes this a good location for sympathetic tourism accommodation. A condition can be imposed to keep a register of guests using the holiday let to enable the Local Planning Authority to monitor the occupation if required. I am aware that concern has been raised by objectors as to the proposal becoming an independent dwelling house. That is not what is being applied for in this application and conditions are proposed which will restrict the proposal to holiday let accommodation only and also to restrict the said holiday let accommodation to being ancillary to the main Public House.
21. In light of the above, I consider that the proposed re-use of the vacant Coach House building to provide ancillary tourist accommodation to the overall Honest Miller Public House site, would be an appropriate use. With the above discussed conditions imposed and the proposal being acceptable in terms of heritage, visual amenity, residential amenity, highway safety and ecology I am of the opinion that the development is acceptable in principle.

Visual Amenity / Heritage

22. Local Plan Policies SP1, SP6 and EMP11 seek development that is in appropriate and sustainable locations. Policy ENV3b relates specifically to Landscape Character and Design within AONB's. It highlights that proposals for development within the AONB should conserve and enhance the natural beauty of the Kent Downs and High Weald AONBs.
23. In addition to the above, taking into account the listed status of both the Coach House and the Honest Miller, section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states 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.' The NPPF sets out that great weight should be given to the conservation of a designated heritage assets and any harm to the significance of such an asset should require clear and convincing justification. It recognises that development within the setting of heritage assets can affect their significance. Paragraph 203 of the NPPF states the effect of the development on the significance of a non-designated heritage asset should be taken into account. Policy ENV13 seeks to preserve or enhance the heritage assets of the borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness. Policy ENV15 seeks to protect and enhance the archaeological and historic integrity of Scheduled Monuments and other important archaeological sites together with their settings.

24. The conversion of the existing Coach House outbuilding would be sensitively approached with the alterations to the building being kept to a minimum. The proposed alterations to the fenestration and materials of the Coach House are sensitive and aesthetically acceptable amendments to the existing vacant building. The proposed single storey rear lean to addition would be viewed in the context of the larger Coach House building and subject to materials being agreed in the associated listed building application (reference 22/00893/AS), I consider that it would appear as a subordinate and sympathetic addition to the listed building in the wider landscape. Overall I consider that the works to the Coach House would respect both the building's origins and rural setting, and would be aesthetically acceptable in this location. Given the minimal degree and sympathetic nature of the works proposed to the Coach House outbuilding, I am also of the view that the proposal would not harm the settings of the listed Honest Miller and Coach House buildings and would in fact preserve the significance of the listed buildings. I also consider that it important to recognise the fact that the proposed conversion would facilitate the continued survival and sympathetic re-use of a listed building, thereby preserving this historic building for the future which is strongly promoted in the NPPF and the development plan.
25. The proposal would result in the loss of a non protected tree which is close to the listed building and overhangs the roof of the Coach House building. However, the scheme would retain a large tree in the southern section of the site, thereby helping to soften the character and appearance of the site and wider locality. The applicant has also amended the plans to show a native hedge to be planted adjacent to the western boundary of the site, which would help screen the outdoor area of the holiday let, thereby preserving the verdant nature of the public realm. The exact details of the landscaping would need to be agreed by way of a condition.

26. In light of the above the scheme would in my opinion create a visually sympathetic development which is in keeping with the simple character of the site and would ensure that no detrimental visual harm to the landscape or surrounding countryside will be caused. The rural character of the site and surrounding area would be preserved, and the significance of the Coach House and the Honest Miller listed buildings would be retained.

Residential Amenity

27. The nearest residential dwellings to the site are April Cottage which is located approximately 20m to the north of the Coach House building (on the opposite side of The Street) and Senga which is located approximately 19m to the south west of the Coach House outbuilding and approximately 9m from the southern end of the application site. The bulk and mass of the Coach House building would not be altered and given the small scale single storey nature of the proposed lean-to addition, the proposal would not harm the amenities of adjoining residential occupiers in terms of outlook or loss of light. The proposal would add first floor windows in the north east and south west elevations of the Coach House building. Given the degree of separation and oblique relationship between the adjoining properties and the Coach House, I do not consider that the proposal would result in any unacceptable overlooking of adjoining residential occupiers.
28. The proposed holiday let use would not generate any significant increase in noise and disturbance given the small scale nature of the proposal and the location of the site adjacent to a Public House. As the holiday let accommodation would be ancillary to the Honest Miller, I do not consider that there would be any unacceptable amenity issues for guests staying at the Coach House from the Public House use should it become operational again. I therefore consider that the use proposed would not be harmful to the residential amenity in the area.

Highway Safety

29. The proposal would be providing a single parking space for the proposed holiday let unit, which is an acceptable amount of parking provision for a small guest accommodation such as that proposed. Future guests of the holiday let would be able to turn around within the Public House car park, and therefore be able to safely enter and egress the site. Therefore, the proposal would not lead to on street car parking within the locality.
30. As highlighted previously within the report, the proposed holiday let would share the access with the Honest Miller and given the limited scale of the development, the proposal would not lead to any significant intensification of use of the existing public house access. Furthermore, the limited scale of the proposed ancillary holiday let would ensure that the proposal would not result

in a significant increase in trip generation to and from the site. Given the above, I am satisfied that the development would not be harmful to highway safety.

Ecology

31. A Preliminary Ecological appraisal has been submitted in support of the application and concludes that the site is of limited ecological value and that no further surveys and/or mitigation is required. The Biodiversity Officer at KCC Ecology has been consulted and is satisfied that sufficient ecological information has been submitted. KCC Ecology are also satisfied with the conclusions of the bat emergence surveys that bats are unlikely to be roosting within the building. Therefore, they agree that there is no requirement for a detailed bat mitigation strategy to be submitted as part of this application. Any external lighting would have the potential to impact on foraging bats on the site, and therefore I consider it prudent to add a lighting condition to manage any potential light spill.
32. Objectors have suggested that the proposal would impact the Wye and Crundale Downs SSSI which is within 100m of the site. However, KCC Ecology consider that the conversion of an existing building to one holiday let is unlikely to have an impact on the SSSI and advise that no information is required on this point.
33. Lastly, I note that there are limited opportunities for ecology enhancements in relation to this small scheme. However, following the advice of KCC Ecology I consider that the site has the potential to accommodate a bat and bird box, either on the existing building or within the site. Ecological enhancements can be secured by way of a condition.
34. On balance in light of the information submitted, no significant or unacceptable ecological harm would result from this proposal subject to conditions regarding lighting and ecological enhancements being imposed.

Flood Risk, Stodmarsh and Nutrient Neutrality

35. The Coach House building and part of the southern outside space is located within flood zones 2 and 3a, and therefore the building is at risk from fluvial flooding. The applicant has submitted a Flood Risk Assessment, which the Environment Agency has been consulted on and do not raise any objection to. Although the proposal would be introducing a more vulnerable use to the site, the Environment Agency considers the proposed holiday let accommodation to be acceptable, as long as the ground floor finished floor levels are set no lower than 48.23m above Ordnance Datum (AOD), and all sleeping accommodation is placed at first floor level (as stated within the Flood Risk Assessment and shown on the submitted plans). The Flood Risk Assessment

also suggests a number of flood mitigation measures to be included within the holiday let (such as signing up to the Environment Agency's flood line and placing electrical sockets 350mm above ground floor level), and also highlights that safe escape can be made from the south east of the building in the event of a significant flooding event. All the recommendations within the Flood Risk Assessment can be secured by way of a condition. Subject to the recommendations within the Flood Risk Assessment being conditioned, I do not consider that there are any detrimental flooding issues which relate to the scheme.

36. The Council is committed to ensuring that development only takes place if it is sustainable and respects the relevant environmental protections. Part of this consideration is whether there would be a detrimental impact on any European Designated Nature Conservation Sites.
37. The site is located within the Stour River Catchment. The River Stour feeds into Stodmarsh Lakes to the east of Canterbury. Stodmarsh Lakes are a set of lakes that are afforded a range of protection including, a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also designated a National Nature Reserve (NNR).
38. In July 2020, Natural England (NE) issued an Advice Note to Ashford Borough Council titled 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites – For Local Planning Authorities'. This Advice was then updated in November 2020 and again on 16 March 2022. The Advice note sets out that there are excessive nitrogen and phosphorus levels in the Stodmarsh Lakes, and so the water within the Lakes is in an unfavourable condition and has the potential to further deteriorate.
39. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development (including overnight sleeping accommodation such holiday lets) within the Stour River catchment, and/or which discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations. The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the decision maker must be satisfied that the development can achieve nutrient neutrality.
40. The applicant has not demonstrated that the proposal is nutrient neutral and therefore as it stands, the potential of the development to cause harm to the integrity of Stodmarsh Lakes has not been ruled out. Whilst the issue relating to the potential implications on Stodmarsh Lakes is not acceptable at present, the applicant has asked for the application to come before Members. This is because if Members are so inclined to agree with the officer's recommendation to approve subject to conditions, and the Council adopting a borough mitigation strategy in relation to Stodmarsh Lakes, then this

application will have an agreed recommendation to permit subject to issues relating to nutrient neutrality being resolved.

Human Rights Issues

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

Working with the applicant

42. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

43. In conclusion, the proposed development would make a positive contribution to local tourism and the rural economy, and would be a sensitive re-use of a vacant rural building, whilst at the same time preserving the Public House community facility and asset subject to the conditions in respect of ancillary use and ownership as discussed in the report. I do not consider that the proposal would result in any significant or unacceptable visual harm or adversely impact on the listed buildings and their settings. In addition I believe that the proposal would not result in highway safety issues, or harm any residential amenity, and would not harm any biodiversity at the site whilst at the same time providing the opportunity for ecological enhancement at the site. The development poses no unacceptable flood risk. The development is therefore considered acceptable. The proposal would comply with national policy as set out within the NPPF/NPPG and the Development Plan as a whole. Accordingly, I recommend that planning permission is granted subject to the imposition of appropriate conditions and issues relating to nutrient neutrality being resolved.

Recommendation

Permit

Subject to the following Conditions and Notes and issues relating to nutrient neutrality being resolved:

(with delegated authority to the Strategic Development & Delivery Manager or the Planning Applications and Building Control Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

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 hereby permitted shall be carried out in accordance with the approved plans and documents.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The approved Coach House holiday let shall only, be used for holiday let accommodation, and shall not be subdivided nor used as a separate dwelling or any other use and shall not be occupied by any person as his or her sole or main place of residence.

Reason: The establishment of a permanent residential use of the site would be contrary to Development Plan policies and detrimental to the character of the area.

4. The holiday let accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the Public House use known as The Honest Miller, The Street, Brook, Ashford, TN25 5PG.

Reason: To prevent the formation of a use separate to the Public House, in order to ensure the preservation of this community facility to the benefit of the character of the area and local residents. Also to avoid an over intensification of the shared vehicular access and to avoid any conflict with the adjacent Public House use.

5. The holiday let accommodation hereby permitted shall only be operated by the owners of the Honest Miller Public House and / or the occupiers of the

Honest Miller Public House when the Honest Miller Public House is operating / running as a trade and business.

Reason: To prevent the formation of a use separate to the Public House, in order to ensure the preservation of this community facility to the benefit of the character of the area and local residents. Also to avoid an over intensification of the shared vehicular access and to avoid any conflict with the adjacent Public House use.

6. The areas shown on drawing number 3446-31B hereby approved as vehicle parking and vehicle turning areas shall be provided and retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking space(s).

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

7. No external lighting shall be installed on the approved building or within the wider application site, until details have been submitted to, and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

8. A hard and soft landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

9. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its/their permitted use(s).

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

(b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: In order to protect and enhance the amenity of the area.

10. 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 each caravan or 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 caravans and holiday lets 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.

11. No walls and fences shall be installed within the application site, until details have been submitted to, and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved. The approved scheme shall be erected and maintained in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area.

12. Prior to the completion of the development, details of how the development will offset biodiversity loss/enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before first occupation and thereafter retained.

Reason: To enhance biodiversity and the ecological value of the site and surrounding area.

13. The development shall be carried out in accordance with the submitted flood risk assessment (ref. Flood Risk Assessment in Support of Residential Development at The Coach House, The Honest Miller, The Street, Ashford, Kent / RSPD, Jan 2022) and the following mitigation measures it details (including finished floor levels being set no lower than 48.23m above Ordnance Datum (AOD) and all sleeping accommodation only being placed at first floor level). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

14. 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.

Notes to the Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by; 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, and the applicant / agent responded by submitting amended plans.

The application was considered by the Planning Committee where the applicant / agent had the opportunity to speak to the committee and promote the application.

2. Nesting Birds

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/00892/AS)

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