

Application Number	PA/2022/2708
Location	Oxney Isle Barn, Swan Street, Wittersham, TN30 7PL
Grid Reference	588774, 127031
Parish Council	Wittersham
Ward	Isle of Oxney
Application Description	Erection of a new dwelling and landscaping
Applicant	Mr and Mrs Allen-Butler
Agent	Mr Shane Jell
Site Area	1.32ha

Introduction

1. This application is reported to the Planning Committee at the request of the former ward member Cllr. Burgess.

Site and Surroundings

2. The application site comprises an agricultural field, with a site area of 1.32 hectares.
3. The site is in the open countryside, approximately 1.3km west of the village of Wittersham (the nearest settlement). The site lies wholly within the High Weald Area of Outstanding Natural Beauty (AONB). The site is accessed via a private road which is accessed via Swan Street. A Public Right of Way (PRoW number AT84) runs alongside the north-western perimeter of the site.
4. There are sporadic dwellings and farmhouses sited along the private road. There are two dwellings adjoining the site; 'Oxney Isle Barn' immediately to the north under the same ownership; and 'The Granary' immediately to the north east. There are a number of listed buildings nearby, the closest being Wittersham Manor, a Grade II Listed Building, which is approximately 250m to the east of the application site.

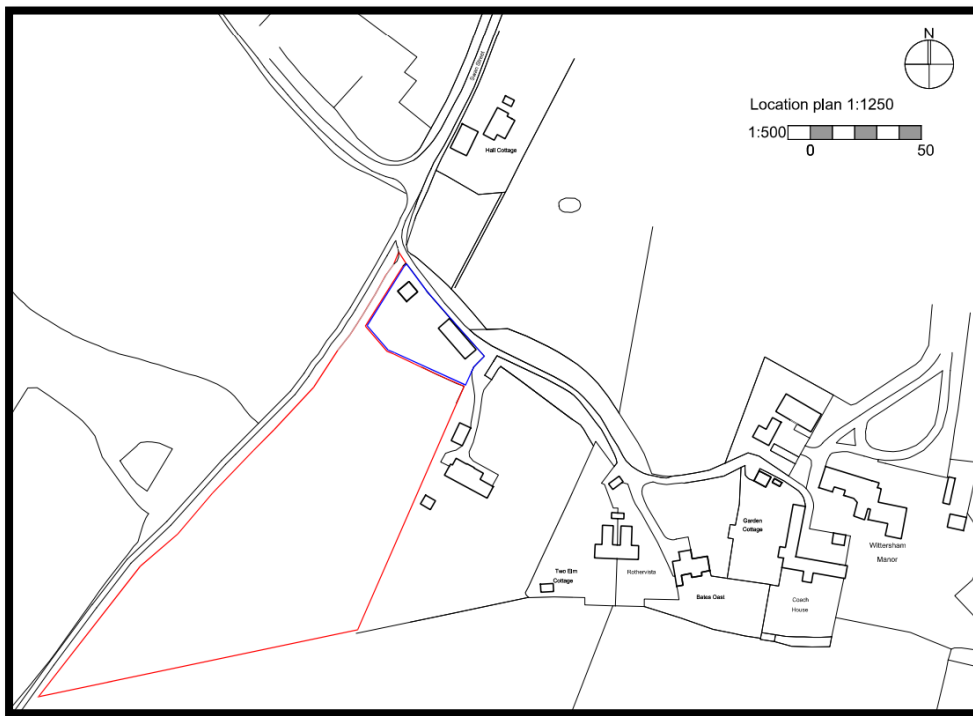


Figure 1 - Site Location Plan



Figure 2 – Aerial Context Map (site location shown in red)

Proposals

5. The application seeks planning permission for the erection of a new dwelling. It is noted that amended plans were received on 16.12.2022, which moved the

dwelling approximately 3m to the east in order to reduce the impact on trees. The new dwelling would be accessed via an access way running along the western side of the applicant's existing property. The proposal would also provide the dwelling with off street parking and private amenity space provision.

6. The proposed dwelling would be single storey in height with a mix of flat and pitched roof forms and a maximum height above ground level of 6.11m. The walls of the building would be finished in a mix of stained timber cladding (black) and traditional stock facing brick, and the pitched roofs would be finished in charcoal cladding. The proposed dwelling would consist of 3 en-suite bedrooms, an open plan living / dining / kitchen area, utility room, a studio / study, various storage areas, and garages. The proposal would also provide a gallery area within a section of the proposed roof space.

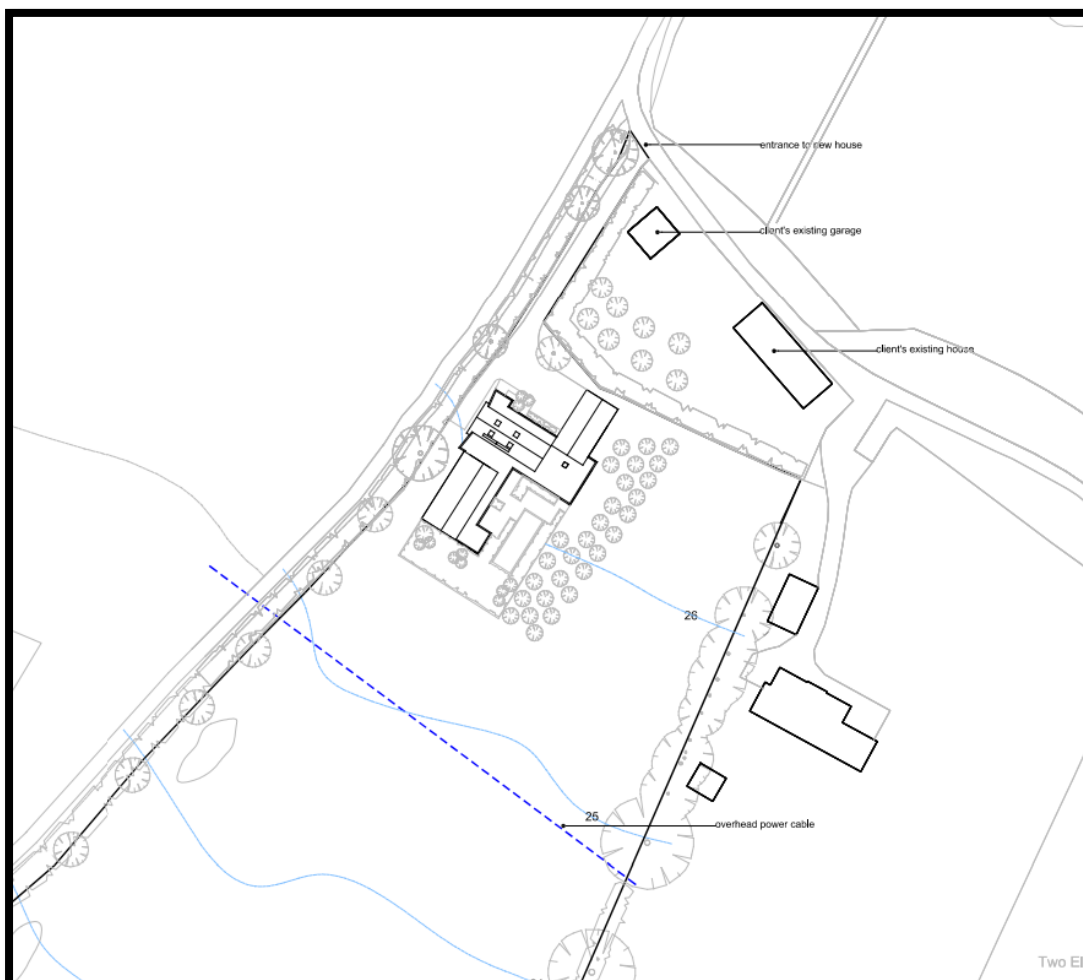


Figure 3 – Proposed Block Plan

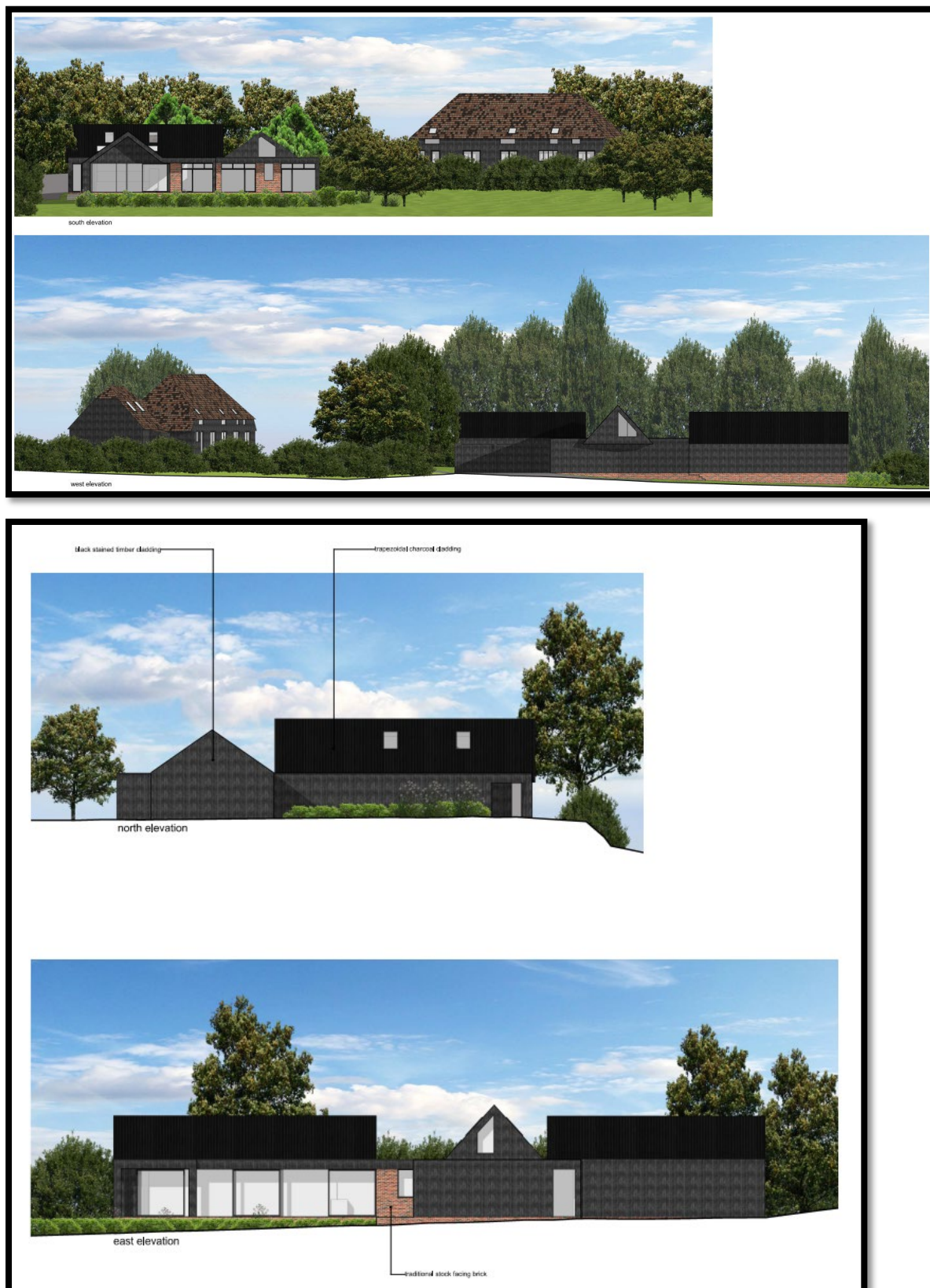


Figure 4 – Proposed Elevations

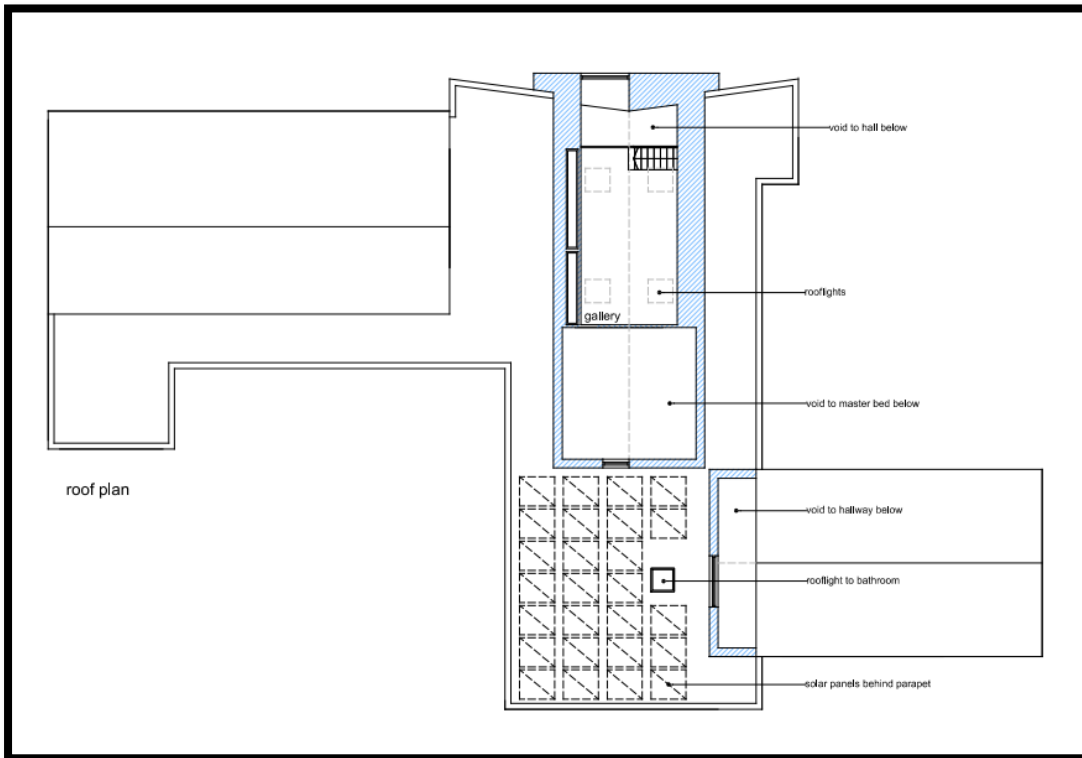
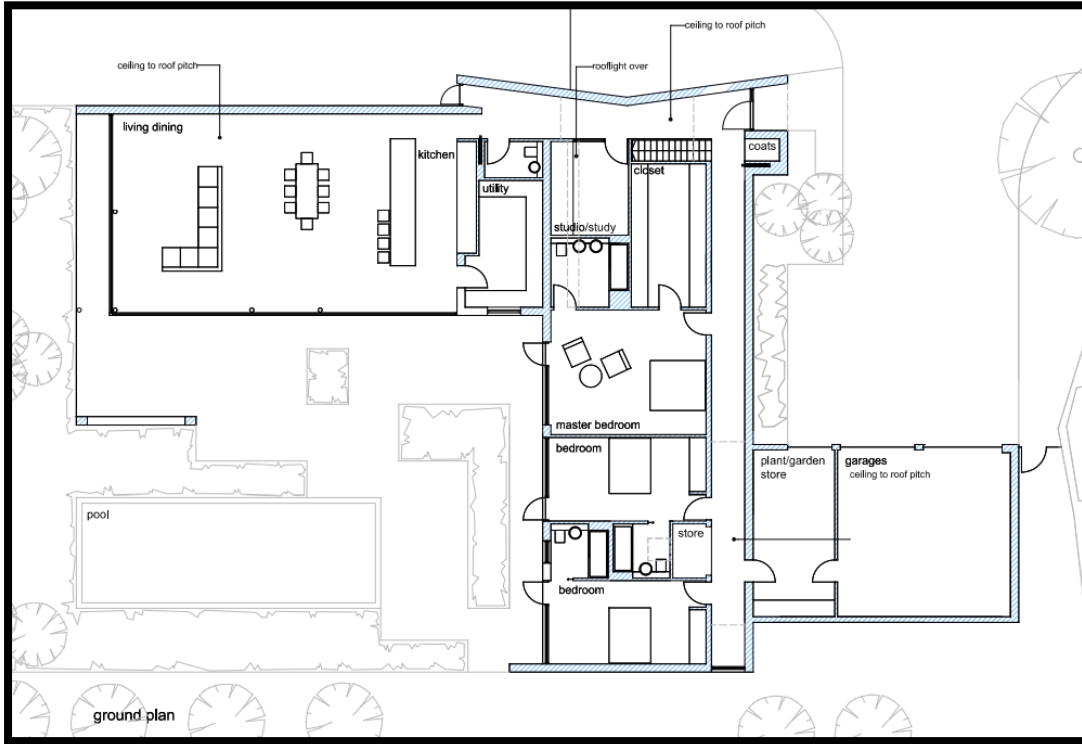


Figure 5 – Proposed Floor Plans

Relevant Planning History

7. There are no relevant planning applications on the site.

Consultations

8. The application has been subject to formal statutory and non-statutory consultation.
9. **Ward Member** - The former Ward Member, Cllr. Burgess has requested that the application be determined by the Planning Committee. He considers that the proposal would not be an isolated building in the countryside but rather an addition to a dwelling complex. Therefore, he considers there to be little harm.
10. **Wittersham Parish Council** – The Parish Council consider that the proposed single storey building is neither visually offensive in height nor massing compared to other nearby buildings. They note that the proposed building would look markedly different in detail from the existing older properties in the locality (especially as a result of the pursuit of low carbon and low water usage). However, they consider that paragraph 80 is offered in national planning guidance for cases such as this, and as the architectural merits of the case have been considered at length by the Design Review Panel, the Parish Council supports the application. The Parish Council believe that the balancing exercise on the remaining issues should fall to the Planning Authority to consider. The Parish Council considers that issues relating to ensuring the ditch to the west of the site is not affected in terms of ground movement by the development, and the outflow of the packaged treatment plant must also be addressed.

(**Officer comment** – the issues raised by the Parish Council are addressed in the main body of the report).
11. **ABC Environmental Protection** - No objection subject to the imposition of conditions relating to contamination, foul drainage, external lighting, and electrical vehicle charging. As well as an informative being imposed relating to construction practices.
12. **KCC Highways** – No comment to make.
13. **KCC Biodiversity** – No objection to the proposal in principle and they take the view that a biodiversity net-gain will be achieved. However, they advise that a revised Landscape and Ecological Management Plan (LEMP), with a planting schedule, is conditioned to ensure biodiversity value is maximised. They also advise that a lighting condition is attached to ensure that the development's external lighting does not adversely impact biodiversity.

14. **KCC Public Rights of Way** - No objection.

- Informatives required: No obstruction to PRow, No trees or shrubs, Erection of furniture

15. **KCC Lead Local Flood Authority** – Consider the development as low risk. No objection.

16. **Neighbours** – Eight (8 no.) objections were received. These are summarised below:

- Unsuitable access.
- Loss of historic agricultural land.
- Increase flood risk.
- Harmful impact of a new large dwelling with lots of glazing on the character and appearance of the countryside and AONB.
- Design and materials out-of-keeping for the area.
- The proposal would detrimentally impact the stability of a fragile bank adjacent to the adjoining track.
- The biodiversity net gain proposed is not correct, as the site is not devoid of flora or fauna. The suitability of the proposed ecological enhancements was also questioned.

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

Planning Policy

17. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 – Residential windfall Development within the Countryside

HOU12 - Residential space standards internal
HOU14 - Accessibility standards
HOU15 - Private external open space
TRA3a - Parking Standards for Residential Development
TRA5 - Planning for Pedestrians
TRA6 - Provision for Cycling
ENV1 - Biodiversity
ENV3b - Landscape Character and Design within AONB's
ENV4 - Light pollution and promoting dark skies
ENV5 - Protecting important rural features
ENV6 – Flood Risk
ENV7 – Water Efficiency
ENV8 - Water Quality, Supply and Treatment
ENV9 - Sustainable Drainage
ENV13 – Conservation and Enhancement of Heritage Assets
ENV15 – Archaeology

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

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010
Sustainable Drainage SPD 2010
Landscape Character SPD 2011
Residential Space and Layout SPD 2011
Dark Skies SPD 2014

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
Informal Design Guidance Note 2 (2014): Screening containers at home
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

The High Weald AONB Management Plan 2019 – 2024

Government Advice

National Planning Policy Framework (NPPF) 2021 & National Planning Policy Guidance (NPPG)

20. 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 conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Relevant sections of the NPPF include:

- Presumption in favour of sustainable development.
- Determination in accordance with the development plan.
- Delivering a sufficient supply of homes.
- Promoting healthy and safe communities.
- Promoting sustainable transport.
- Making effective use of land.
- Achieving well-designed places.
- Meeting the challenge of climate change and flooding.
- Habitats and biodiversity.

21. Paragraph 80 the NPPF is also relevant in this instance:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) 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;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

Assessment

22. The main issues for consideration are:

- Principle of development.

- Design Review Panel.
- NPPF Paragraph 80(e).
- Landscape Character and Visual Amenity.
- Impact on residential amenity.
- Ecology.
- Trees.
- Highway Safety, Parking and Turning.
- Flood Risk and Drainage.
- Impact on the setting of Heritage Assets.
- Stodmarsh.
- Five-Year Housing Land Supply.

Principle of development

23. The site is located within the High Weald AONB and is outside of the settlement confines of Wittersham. The application seeks full planning permission for the erection of a detached dwelling with associated landscaping.
24. At this time the Council cannot currently demonstrate a 5-year supply of housing land. Its confirmed position is 4.54 years, and therefore paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged. Paragraph 11 (d) (i) of the NPPF indicates that permission should be granted unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”* and unless *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’* AONB’s are ‘protected areas’ and listed as assets of particular importance, which in this instance provides a clear reason for refusing the development proposed. Therefore, the proposals must be considered against the policies within the NPPF and the Local Plan which seek to protect the integrity of the AONB.
25. The application site is located in the countryside and consequently this proposed residential windfall development should be considered against and comply with the criteria within policy HOU5.

Policy HOU5 reads as follows:

“Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne
Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet,
High Halden, Hothfield, Kingsnorth, Mersham, Pluckley, Rolvenden,

Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

Providing that each of the following criteria is met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;
- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;
- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
 - i) it sits sympathetically within the wider landscape,
 - ii) it preserves or enhances the setting of the nearest settlement,
 - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,
 - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
 - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
 - vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with policy HOU7 of this Local Plan;

Where a proposal is located within or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.

*These proposals will be required to be referred to the Ashford Design Panel and applications will be expected to respond to the advice provided.”

26. Policy HOU5 outlines that proposals for residential development adjoining or close to the existing built-up confines of Wittersham may be acceptable provided a number of criteria are met. In addition to the list of criteria, it states that where a proposal is located within the AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances their natural beauty.
27. The application site lies approximately 1.3km from the west of the built confines of Wittersham and there is no public footpath or cycle route along Swan Street or elsewhere to connect the site to the settlement, for easy and convenient access other than by car. Public footpath 0295/AT84/1 does connect to the southwest with footway 0295/AT264/1 and 0295/AT83/1, providing a lengthy route to the village centre. There are no bus stops within the vicinity of the site. Users of the development would therefore ostensibly be reliant upon cars as the chosen form of transport in order to access day-to-day services. The application site is therefore not considered to be in a sustainable location and the proposal is therefore contrary to criteria (A, B, and D) of Policy HOU5.
28. It is acknowledged that the proposal would not be physically isolated from other residential properties, however, for the reasons outlined above, the site is considered to be isolated from essential services required for day-to-day living. In this instance, the proposal is therefore considered to constitute an isolated

and unsustainable dwelling in the countryside contrary to local and national planning policy.

29. As such, the proposal for a new dwelling on this site is not acceptable in principle, unless the proposal meets the exception criteria within Part 2 of Policy HOU5 in that it meets the requirement for the dwelling to be of '*exceptional quality or innovative design*'. Policy HOU5 is considered broadly in accordance with national policy in the NPPF, however the 2021 update has removed aspects from national policy including the qualifier 'innovative' from the policy exception, now at paragraph 80 (e).
30. The application has been submitted to specifically comply with part 2 of Policy HOU5. While the development plan has primacy, as National Planning policy has materially changed since its adoption, and as a more recent document the amended policy in the NPPF is a material consideration that should be given significant weight. NPPF paragraph 80 (e) reads as follows:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"*

31. It is concluded that the proposal does not accord with policies SP1, SP2 & HOU5 (see sections below). Collectively, these policies seek to ensure that residential development is directed to sustainable areas, which are based on the range and extent of services and facilities available within them and the opportunities available for the use of sustainable modes of transport. The proposal would therefore undermine the adopted Local Plan policies.

Design Review Panel

32. The application is supported by a Design and Access Statement which includes a response to the Design Review by the Ashford Design Panel (provided by Design South East) dated 18th July 2022. The report of the panel is annexed for ease of reference.
33. The scope of the report set out under the proposal on page 3 includes reference to the planning context and understanding of paragraph national planning policy and makes it clear that the recommendations made are "*intended to support*

the authority in assessing the strength of the case for passing the stringent test of a Paragraph 80 dwelling.”

34. The panel report also notes that a previous review of proposals for the same site was undertaken on two previous occasions. On page 5 the report it is clarified that *“Whilst it may be challenging to define exactly what ‘exceptional quality’ of design is, it is clear that both building design and landscape design must work together in response to the specific rural setting... The panel’s impartial advice and recommendations are offered to support the applicant team to achieve the exceptional quality set by the NPPF and to support both the applicant and the authority to assess the design quality in order to inform the determination of the application.”*
35. Indeed paragraph 133 of the NPPF sets out that *“In assessing applications, local planning authorities should have regard to... any recommendations made by design review panels.”*
36. There are two significant aspects to the advice which follows from DSE’s review. The first aspect is that recommendations given on page 6 are for further work necessary to develop and detail the scheme, in the panel’s view. These are summarised by the paragraph: *“In order to meet the stringent criteria for a Paragraph 80 dwelling, demonstration of exceptional sustainability credentials in the construction, materials and detailing of the building is now needed to give weight and justification to the argument for building in this location.”* It is significant that the scheme was not resubmitted to the panel for further review with this detail, for example, to respond to detailed comments about materiality, finishes and fenestration design/detailing at sections 5.1 to 5.4.
37. The second key aspect of the DSE report, revealed by the further exposition of the above in “Detailed comments and recommendations” is that DSE do not go on to find the proposal to be of exceptional quality, or discuss it in any of the other terms that might distinguish it and suggest that it is or that it reaches or exceeds the threshold of strict requirements of paragraph 80. While the application submission has provided additional high-scale drawings of construction details these do not distinguish that quality. There is nothing in this to suggest that this scheme is not of a good design, but that is not sufficient to reach the ‘exceptional’ quality bar. Good design is fundamental in respect of all applications.
38. The Design Panel Review highlighted that a paragraph 80 scheme demands an exceptional approach to sustainability through reduction of embodied and operational carbon. This requires innovation that should go beyond standard building regulations and demonstrate the modelling of an energy strategy that

will meet zero carbon targets. The applicant has failed to do this as outlined later in the report.

39. The DSE report highlights that “the footprint of the building is still more extensive than that of the existing barn and other surrounding buildings, but by breaking down the roof form, the building has a less monolithic appearance.” Firstly, this highlights the excessively large scale of the proposed dwelling and secondly, the idea of it having a less monolithic appearance does not meet the exceptional design qualities required by paragraph 80.
40. The Design Panel Review also stated that “more selective placement of windows and framing of views instead of the entire glazed south and east walls of the kitchen/living space could provide more hierarchy of light and space internally and more interest to the south and east elevations of the building.” The applicant has chosen not to take on board this advice and retained the large incongruous areas of glazing on the building which further adds to the fact that this scheme fails to achieve the level of exceptional design quality required by paragraph 80.
41. Finally, while it is not necessarily the case that DSE’s advice would have been affected it is unfortunate that a further review following the submission of this application has not been undertaken.

NPPF Paragraph 80 (e)

42. The proposed dwelling would be sited on the edge of an existing cluster of residential properties, immediately south of Oxney Isle Barn. The design rationale as described in the Design and Access Statement is for the three-bedroom dwelling to appear as a cluster of interconnected agricultural buildings with views overlooking the meadow to the south. The proposal is largely single-storey, with the only first-floor accommodation located within the eaves of the main block, with portions of traditional dual-pitched roofs with gable ends connected by areas of flat roof. External facing materials seek to emulate existing agricultural buildings within the local area, utilising black steel cladding for the pitched roofs, with black-stained timber cladding and locally sourced brickwork walls.
43. However, the proposed building would noticeably differ from the appearance of agricultural barns due to its extensive fenestration on the southern and eastern elevations, which would be visible from land in the vicinity, including neighbouring properties, surrounding PRowS and the local highway network. This is further compounded by the proposed landscaping, which includes ornamental planting and an orchard immediately to the south of the dwelling, reinforcing the residential nature of the development. This, together with the

domestic occupation, external and internal lighting, and other paraphernalia associated with the residential use at the site would highlight that the building was not a collection of barns but a modern residential building of domestic character.

44. While the overall design is considered to be architecturally interesting and would incorporate elements of the local Kentish vernacular, it is for the most part unremarkable, resulting in a relatively conventional modern building that lacks contextual logic or identity to assimilate legibly into its rural context. Indeed, it is inevitable that the new building, in combination with the proposed landscaping, would have a domestic character and appearance when viewed from nearby. As such, having regard to the intrinsic character of the site as it is now, it is hard to see how the proposals would enhance their immediate setting (this is returned to below). Internally, the proposed sequence of rooms and double-height spaces would be attractively planned but would not elevate the design to an exceptional standard. As such, the proposed dwelling would not be truly outstanding, and not reflect the highest standards of architecture.
45. Regarding whether the proposal would raise the standards of design more generally in rural areas, the application proposes a net zero carbon dwelling to be achieved through exemplary energy use, thermal efficiency sustainable materials, construction and appliances, mechanical ventilation and heat recovery, ground source heat pump, roof-mounted solar photovoltaic panels, and electric vehicle charging points. Whilst these measures would meet the adopted Climate Change Guidance for Development Management, there is a lack of 'up front' detail of these measures (contrary to Design Review Panel advice which stated that at the planning application stage the proposal must produce a clear energy strategy which details how the development will optimise thermal performance, minimise the demand for energy, supply the remaining energy requirements efficiently and optimise the use of renewables in order to align with the Government's emerging zero carbon policy. This strategy should be informed by detailed modelling work informed by respected calculation methods). The applicant has not provided the details to demonstrate that the dwelling would raise energy efficiency standards to the required level for a development to be considered exceptional. In any event none of these measures individually or in combination are ground-breaking or unique, and would not amount to 'outstanding' so as to meet the requirements of the NPPF.
46. The proposed dwelling's immediate setting comprises rural fields, the residential garden of Oxney Isle Barn, and neighbouring residential properties accessed from the same private track via Swan Street. The application site itself is an agricultural field which is periodically used for grazing sheep and is bordered by low-lying hedgerows. That being the case it is characteristic of the local countryside area. In this context, given the erosion of the open and rural

character of the local countryside area that would arise from the proposed building of striking and contextually atypical modern style, combined with the addition of an orchard and ornamental planting synonymous with a residential setting and associated residential paraphernalia, the proposal is not considered to significantly enhance its immediate setting.

47. The main thrust of the applicant's case would seem to be that the proposal is exceptional in terms of environmental performance and biodiversity gains rather than in terms of aesthetics. While the proposed building's net zero carbon credentials would help raise standards of design (if it can indeed be achieved) in specific sustainable construction, in failing to satisfy the other exceptional design quality criteria, the proposal would not qualify as of exceptional quality. Nor would the proposal achieve the outstanding contribution to the landscape character required through the supporting text of Policy HOU5 Part 2, paragraph 6.63.
48. It is therefore concluded that the proposed development would not be of exceptional quality as it is not truly outstanding reflecting the highest standards in architecture. The scheme is not sufficient to meet the rural exceptions test in the development plan's strategic approach to development in the countryside. As such, the proposal would conflict with Part 2 of Policy HOU5 and particularly Paragraph 80 of the NPPF (2021).

Landscape Character and Visual Amenity

49. Paragraph 176 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in, among other areas, AONBs, which have the highest status of protection in relation to such matters.
50. The site is located within the High Weald AONB, as outlined above, both HOU5 and the NPPF require great weight to be given to conserving and enhancing the landscape and scenic beauty of the area and the scale and extent of development within the AONB should be limited. The High Weald AONB Management Plan 2019 – 2024 does not form part of the development plan but is a material consideration for decision taking. The High Weald AONB is characterised by small, irregularly-shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands, and typically used for livestock grazing. The management plan states that "the existence of a flourishing and progressive agriculture is fundamental to... the preservation and enhancement of the characteristic landscape". The proposed dwelling would result in an erosion of this visually characteristic farmland and would introduce visually intrusive urbanisation with this protected rural locale, which would not be acceptable.

51. The countryside area between the western edge of Wittersham village and the site is characterised by a relatively flat open rural arable landscape of fields, set within a framework of mature hedgerows with hedgerow trees, with few clusters of dwellinghouses and farmsteads. As such, the open and verdant rural patchwork of hedge-lined fields, and relative lack of buildings are the defining characteristics of the local area. The site is located in a 'sensitive' landscape designation it is afforded the highest level of protection.
52. The application is supported by a Landscape and Visual Impact Assessment, which states that measures including the chosen recessive palette of materials would result in the dwelling blending into its surroundings over time and reinforcing the existing boundary treatment would filter views of the proposal from high sensitivity locations. These measures would not wholly screen the development, and should not be relied upon to do so, meaning that the magnitude of change in character and the degree of visual impact to sensitive viewpoints will be filtered but not ameliorated. The new dwelling would still be notably visible from the adjacent public footpath which runs along the western boundary of the site, and from further afield from Swan Street to the north of the site and therefore the visual harm caused by this dwelling would be perceptible from the public realm.
53. It is considered that the proposed development would lead to erosion of the rural landscape through residential domestication, which would result in unacceptable visual harm to the visual amenity of the AONB. With no overriding justification of the site for residential purposes, I therefore conclude the proposal would harm the character and appearance of the area and the proposal fails to comply with Policy ENV3b.

Impact on residential amenity

54. The single storey nature of the proposed detached dwelling combined with the significant degree of separation of the dwelling from adjoining residential properties (including the applicant's existing house) would ensure that the proposal would not harm adjoining residential amenity in terms of overbearing impact or loss of light. The proposed dwelling would provide first floor accommodation in the form of a small 'gallery' space which would be illuminated via roof lights. However, the said roof lights would only provide oblique views to the applicant's existing house, and would not detrimentally affect the privacy of any other adjoining neighbour.
55. There are standards set out in the Residential Space and Layout SPD (2011) and the Technical Housing Standards – Nationally Described Space Standard (2015) to ensure that new developments provide sufficient amenity for

occupants and Policy HOU15 requires developments to provide an appropriate amount of private amenity space, which should be fit for the intended purpose.

56. Table 1 of the Technical Housing Standards – Nationally Described Space Standard (2015) outlines the minimum gross internal floor area for new dwellings. These standards expect a minimum floor area (Gross Internal Area – GIA) of 74m² for a three (3no.) bedroom dwelling over one (2no.) storey with four (4no.) bed spaces. The proposed dwelling exceeds the minimum standards for total floor space and for individual bedroom sizes. Additionally, all proposed habitable rooms have access to natural light and good quality outlook over the garden to the south. The dwelling would provide an expansive kitchen/dining/living room with separate utility and study. A total of four bathrooms are proposed.
57. Under the requirements of Policy HOU15, new developments should provide sufficient private external amenity space. The application proposes a large private rear garden which would provide ample amenity space for future residents. Given the size of the dwelling and the existing garden sizes within neighbouring properties, the proposed garden size is considered to be acceptable.
58. The proposed scheme is considered to provide a suitable standard of internal and external living accommodation for future occupants, in accordance with the provisions of the Residential Space and Layout SPD (2011), the Technical Housing Standards – Nationally Described Space Standard (2015), and Policy HOU15.

Ecology

59. Policy ENV1 sets out that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. In particular, development should take opportunities to help connect and improve the wider ecological networks. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats, including BAP (Priority) habitats, and networks of ecological interest, including ancient woodland, water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife.
60. The Landscape Environmental Management Plan (LEMP) indicates that the proposal would result in a Biodiversity Net Gain of 27%. New meadow elements, and tree and hedge planting are likely to help contribute to this. KCC Ecology are broadly supportive of the proposed scheme, subject to an amended LEMP to secure a planting schedule to maximise biodiversity value.

61. Therefore, subject to planning conditions, the proposal would not be in conflict with Policy ENV1.

Trees

62. There would be a distance of 3.5m between the existing tree canopy and the proposed dwelling, allowing room for growth as requested by the Trees Officer. As part of the Landscape and Biodiversity proposals for the site (LHLA drawing 364-P207 rev A) the proposal includes 350 sq m of new native woodland, and 21 new native trees in the hedgerows and in the garden of Oxney Isle Barn. The Tree Strategy (LHLA drawing 364-P202) states that 20% of the woodland trees are oak and 4no. trees would be planted as hedgerow trees or in the Oxney Isle garden, making a total of 21 new oak trees to be planted on site.

Highways Safety, Parking and Turning

63. The application provides sufficient space for (2no.) off-road parking spaces for the proposed dwelling, accessed via a new 3m wide access track. This is in accordance with the parking standards as set out in the Residential Parking and Design Guide SPD (2010).
64. KCC Highways have no comment to make on the application as it does not meet their criteria. Notably the access is taken from a low speed/traffic rural track. Visibility splays and additional details regarding secure cycle and bin storage could be secured via condition.
65. The proposal is considered to be in accordance with Policy TRA3a and the Residential Parking and Design Guide SPD (2010).

Flood Risk and Drainage

66. The site is located in Flood Zone 1, and therefore is sequentially appropriate. The Local Lead Flood Authority (LLFA) have reviewed the application and consider it to be low risk. The scheme lacks any additional detail other than as set out on the application form, which indicates that the proposal would be served by a package treatment plant and that surface water will be disposed of in a pond/lake.
67. While the former can be acceptable subject to application of the drainage hierarchy, it is not the sustainable approach and is an evident limitation of rural locations such as in this case.

Impact on Designated Sites (Stodmarsh)

68. The proposed site is outside of the Stour Catchment and will not connect to a wastewater treatment works discharging to it, so will have no impact on the nationally designated protected habitats at Stodmarsh Lakes. The site is not affected by any other designation.

Five Year housing Land Supply Position

69. National policy requires Local Planning Authorities to maintain a five year supply of housing sites (with additional buffer as appropriate). The Local Planning Authority's position on housing land supply, is a 4.54 year supply of housing land, or a shortfall of 0.46 years. Therefore, paragraph 11 (d) of the National Planning Policy Framework 2021 (NPPF) is engaged. However, it is important to note that the presumption in favour of sustainable development as referenced in paragraph 11 (d) of the NPPF would not apply in this instance as the site is located within the AONB which is identified in paragraph 11 of the NPPF and associated footnote 7 to be a 'protected area' which in this instance provides a clear reason for refusing the development proposed. The detrimental impact the scheme would have on the AONB is expanded upon previously within the report. It is considered that the Local Plan policies most relevant to this proposal are consistent with the aim of the NPPF to create sustainable well designed places which are sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, the policies of the Local Plan, including those policies listed within this report must be given full weight in the determination of this application.
70. For the reasons set out above, the proposal would represent an unsustainable form of development and cause demonstrable harm to the character and appearance of the High Weald AONB. The erection of a dwellinghouse would contribute to the supply of housing land in the borough. The scheme does not meet any of the identified exceptions to the policies of rural restraint set out in the development plan and NPPF and not only is this contribution limited, it is significantly and demonstrably outweighed by the harm that would arise and the scheme would cause and the conflict with the development plan and other policies within the Framework.

Human Rights Issues

71. Human rights issues relevant to this application have been taken into account. 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

72. 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

Conclusion

73. The proposal is not supported in principle when considering the strategic policies of the Local Plan and the wider aspirations of the National Planning Policy Framework. The site is not a sustainable location by itself, and residential development within the countryside location, wholly within the boundary of the High Weald AONB, has not been shown to be essential. The proposal is not considered to constitute a dwelling of 'exceptional quality or innovative design' to satisfy Part 2 of Policy HOU5.
74. Furthermore, the proposed development is not considered to meet the requirements of NPPF policy 80 (e). The development is not of exceptional quality, in that it is neither truly outstanding nor would it reflect the highest standards in architecture. While the development would help raise design standards more generally in rural areas, it would not significantly enhance its immediate setting.
75. There are not considered to be any exceptional circumstances that would justify a departure from the Development Plan. In particular, the conflict with Policies HOU5 and ENV3b of the adopted Local Plan and in the absence of material planning considerations which would outweigh such harm, the development is considered unacceptable.

Recommendation

Refuse

- A. The proposed development lies outside of the settlement boundaries of any identified suitable settlement within the Ashford Local Plan 2030 and would give rise to an unsustainable new home in the countryside, contrary to the adopted spatial strategy and without any overriding justification provided to support this form of development. The proposal is not a dwelling of 'exceptional quality or innovative design', as set out by the application, and so does not satisfy the exception criteria of Policy HOU5 or Paragraph 80(e) of the NPPF. As such, this form of development fails to accord with Policy HOU5 of the Ashford Local

Plan (2030) and the aims and objectives set out in the National Planning Policy Framework 2021.

- B. The development will harm the intrinsic character and qualities of the site and surrounding countryside and fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). The proposal would therefore be contrary to policy ENV3b of the Local Plan and the aims and objectives of the National Planning Policy Framework 2021.

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 PA/2022/2708)

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