

Application Number	18/00251/AS	
Location	The Beeches, Ashford Road, Bethersden, Ashford, Kent TN26 3AS	
Grid Reference	3122/9913	
Parish Council	Bethersden	
Ward	Weald Central	
Application Description	Outline application for the provision of 4 detached 3 and 4-bed dwellings with garaging/car ports and amenity curtilages. Appearance, landscaping and Scale are reserved matters	
Applicant	Mr K Cordrey, The Beeches, Ashford Road, Bethersden	
Agent	Mrs H Whithead, Price Whitehead Chartered Surveyors, Forstal Farm, Appledore Road, Tenterden TN30 7DF	
Site Area	0.41ha	
(a) 26/7R	(b) S	(c) KCC H&T X KCC Bio X

Introduction

This application is reported to the Planning Committee because it has been 'called in' by the ward member Cllr Pickering.

Site and Surroundings

The site adjoins the southern confines of the village. It is a backland site, currently in equestrian use, which is accessed along a narrow track between properties on Ashford Road. It forms a flat, broadly rectangular shaped field with a combination of post and rail fences to boundaries and boundary trees along the southern boundary with open countryside. There is a stable block and area of hardstanding at the entrance into the field. There is a pond just outside the southern boundary of the site, which is within the applicant's ownership.

This part of Ashford Road forms the entrance into the village from the east. It is characterised by development on the south side of the street only, which is one plot deep. This linear development fronts the street and provides mostly long back gardens to the rear onto open countryside.

Just to the north of the site (and to the rear of properties in Ashford Road) is a parking area for the frontage units that is accessed along the same track that serves the site. Open countryside lies to the south and east (known as Bailey Field) with the long rear garden of the adjacent property known as The Beeches to the west. A site plan is included at Figure 1 below.

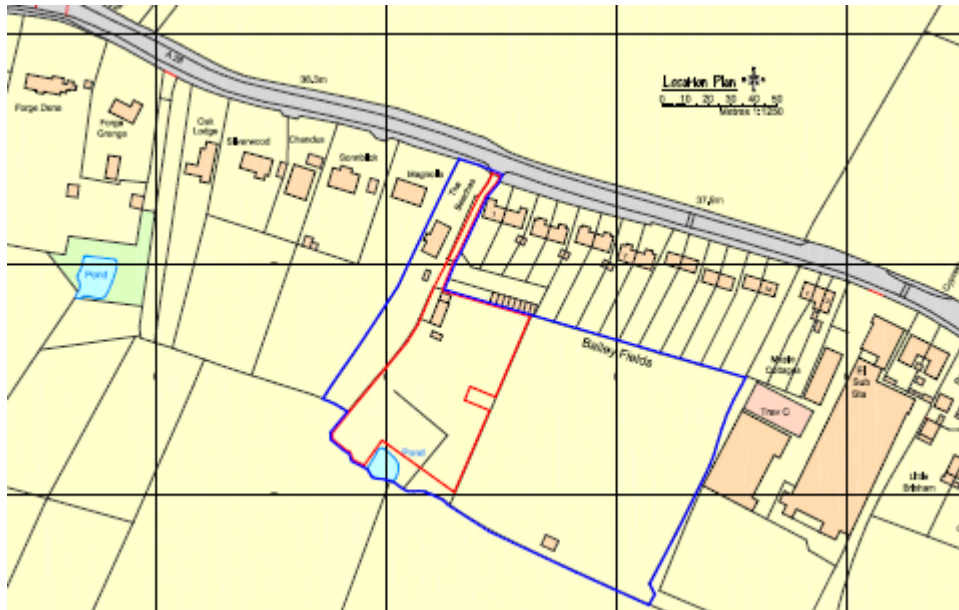


Figure 1: Site plan

Proposal

This is an outline planning application for the erection of 4 three/four bed detached dwellings with garages/car ports. Approval is sought for access and layout. Matters relating to appearance, landscaping and scale are reserved for future consideration.

The dwellings would be arranged on generous plots to the east and south of the new access drive which would be curved to avoid the root protection areas of the trees on the western site boundary.

The application has been amended since first submitted to show a widened site access and sight lines onto Ashford Road to address concerns raised by KCC Highways and Transportation.

A proposed site plan is shown at Figure 2 below:

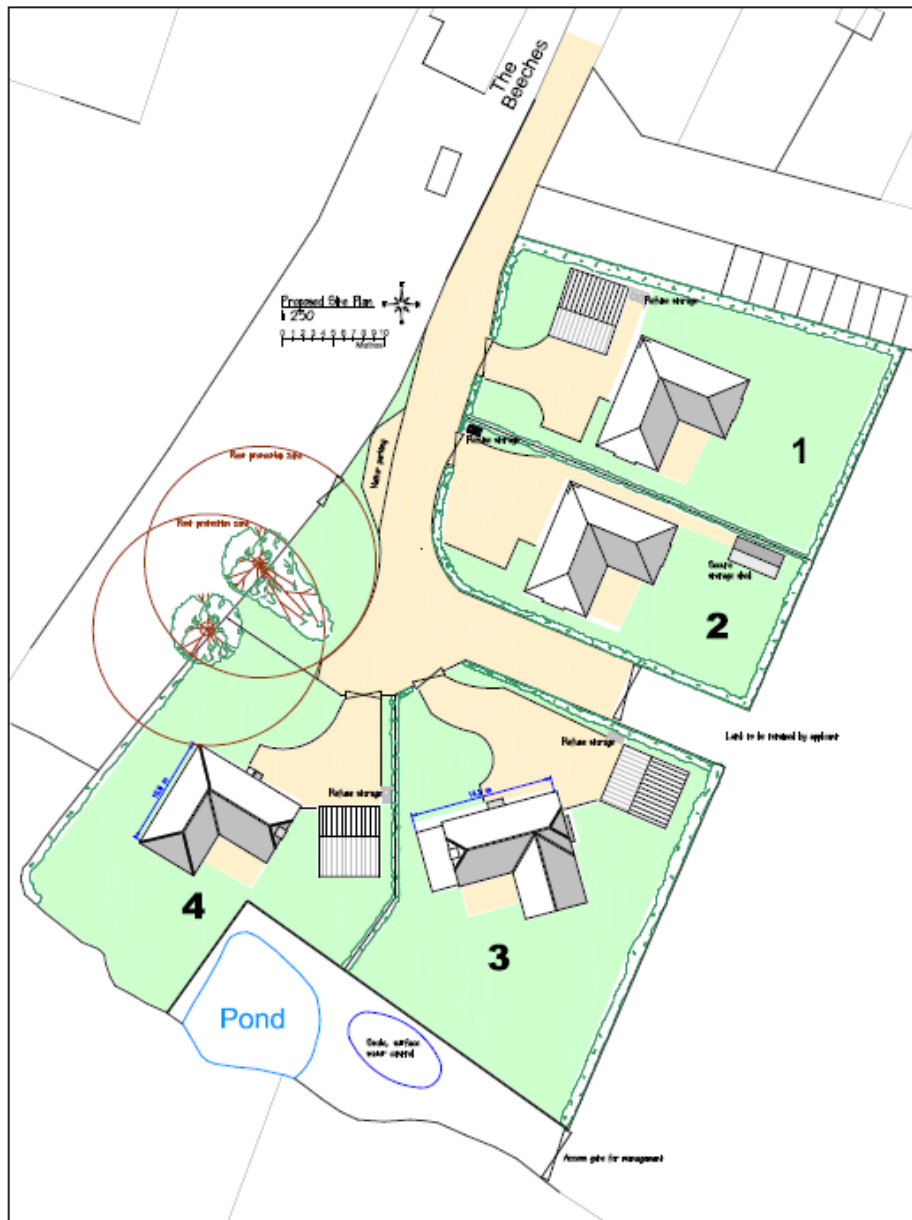


Figure 2: Proposed site plan

The following documents have been submitted in support of the application:

Ecological Appraisal, The Ash Partnership (December 2017)

This report concludes that the proposed development would retain all the most significant habitat features and these would not be impacted by the development proposals.

Design and Access Statement/Planning Statement, Price Whitehead (February 2018)

This report incorporates a Tree Survey which concludes there would be no adverse impact on site trees.

Planning History

There is no relevant planning history.

Consultations

Ward Member: Neither ward member Cllr Pickering, or Cllr C Bell are a member of the Planning Committee.

Cllr Pickering supports the view of the Parish Council and has requested that the application is reported to Committee.

Bethersden Parish Council supports the proposal providing KCC regulations in respect of shared space are met.

KCC Highways and Transportation Following submission of the amended plans, which show a widened access, KCC raise no objections subject to conditions

KCC Ecology Advises that additional information is required prior to determination of the application for bats.

Conditions are recommended in respect of the need for a GCN survey; on site hedgerow/tree protection; protection of the pond during construction and the need for ecological enhancements.

Following receipt of a letter from the ecologist, KCC Ecology are satisfied that their previous concerns have been addressed. KCC continue to recommend conditions in respect of bats/lighting; a GCN precautionary mitigation strategy; protection of hedgerows/trees and pond during construction and their protection incorporated into the Construction Management plan and ecological enhancements.

Neighbours A total of 26 neighbours were consulted: 7 letters of objection were received raising the following issues:

- There are existing flooding issues in the vicinity of the site which will be exacerbated by this development. The front gardens of the properties on Ashford Road flood due to the higher level of this road. Rear gardens are affected as a result of storm drains overflowing. There is also a problem of sewerage contamination to gardens.

- The access is substandard and already serves a parking area. There is no passing point. Visibility at the junction is poor. How could such a narrow access accommodate construction traffic?
- The proposed plans exclude walkways and are not wide enough for cars and vehicles presenting safety concerns.
- Safety concerns during the construction phase given the tightness of the access and stress to existing residents
- It would exacerbate parking problems in the village
- Loss of view of the field from existing properties resulting in property devaluation

(HDMSS Comment: The loss of a view is not a material planning consideration, which would justify refusing planning permission)

- Impact on bats, deer and foxes
- Impact on existing residents in terms of overlooking
- Not in keeping with linear plots found in this part of the village
- Set a precedent for further development to the east.

A total of 4 letters have been received commenting on the scheme and highlighting existing flooding issues which it is stated would be made worse were the development to go ahead. Concerns are raised about the access: is it wide enough for construction traffic and who would repair this access should it be damaged during the construction phase.

These neighbours have highlighted an existing flooding problem that affects some properties in Baileys Field. Some of this is attributed to run-off from the application site and to the inadequate piping system that links the pond (to the south of the application site) to the front garden of no. 6 Ashford Road. Further concerns are raised about the ability of the sewage system to cope in bad weather with a sewage tanker needing to pump sewage out of the front garden of no. 5 Ashford Road on occasion. It is pointed out that that the Council has had to raise the air brick to no. 6 and the kerbs to the parking area / garages behind nos. 1-4 to address issues of flooding.

The agent has written in to respond to a number of issues that have been raised during the consultation process. The agent has stated the following:

Drainage - the issues that have been identified by neighbours are already known to KCC and relate principally to water issues from the private drain pipes leading to main drains from those properties backing onto Bailey Fields. It is asserted that the problem is not caused by the client's land.

Access - The applicant owns the access that serves the land and garages to the rear of Bailey Fields so any widening of this access could be achieved. Furthermore, should this access road become damaged (during construction) then the developer would be liable to repair this to the standard at least as good as it is now.

Scale - The agent asserts that the development is not large scale as has been suggested and that SuDs can be appropriately dealt with in this location, adding that the site can accommodate construction vehicles.

Bethersden Neighbourhood Plan - It is also pointed out that the Parish Plan is subject to a legal challenge and is unlikely to be resolved for quite some time. However, this application proposal relates to a small-scale development in any case, and one that falls within Local Plan 2030 new policies.

Planning Policy

1. 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 is now undergoing examination as such its policies should now be afforded weight in accordance with paragraph 216 of the NPPF.
2. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 Protecting the Countryside and Managing Change

EN9 Setting and Entrances of Towns and Villages

EN31 Important habitats

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS6 The Rural Settlement Hierarchy

CS9 Design Quality

CS11 Biodiversity and Geological Conservation

CS13 Range of Dwelling Types and Sizes

CS15 Transport

CS20 Sustainable Drainage

Tenterden and Rural Sites Development Plan Document 2010

TRS1 Minor Residential Development or Infilling

TRS2 New Residential Development Elsewhere

TRS17 Landscape Character and Design

TRS18 Important Rural Features

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

Ashford Local Plan to 2030

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6 Promoting High Quality Design

HOU3a Residential Windfall Development within Settlements

HOU5 Residential Windfall Development within the Countryside

HOU12 Residential Space Standards internal

HOU14 Accessibility Standards

HOU15 Private External Open Space

HOU18 Providing a range and mix of dwelling types and sizes

TRA3a Parking Standards for Residential Development

TRA6 Provision for cycling ENV1 Biodiversity

ENV3a Landscape Character and Design

ENV4 Light Pollution and Promoting Dark Skies

ENV5 Protecting important Rural Features

ENV7 Water Efficiency

ENV8 Water Quality, Supply and Treatment

ENV9 Sustainable Drainage

Supplementary Planning Guidance/Documents

Sustainable Drainage

Residential Parking

Residential Space and Layout (External space standards only)

Landscape Character Assessment

Dark Skies

Village Design Statements (VDS)

Bethersden VDS

Bethersden Neighbourhood Plan is at examination stage and includes the following policies:

Policy R2 - Developments must protect and enhance the established local character and sit comfortably alongside existing development.

Policy H1 - Up to 34 additional dwellings of mixed type shall be delivered on three identified sites within the central area of the village, and delivered in phases over the Plan period to 2030. The sites are shown in Policy H2. (They exclude the application site which was omitted on the grounds it was not suitable for development).

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

Government Advice

National Planning Policy Framework (NPPF) 2012

4. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
5. Paragraph 216 states in relation to the stages of preparing a Local Plan that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

National Planning Policy Guidance (NPPG)

Assessment

- **Principle**
6. Paragraphs 2 and 210 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must

be determined in accordance with the development plan, unless material considerations indicate otherwise.

7. Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development and this should be seen as a “golden thread running through decision-taking”. There are three dimensions to sustainable development: economic, social and environmental.
8. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
9. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 14 and states that for decision-taking this means:
 - approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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; or
 - specific policies in this Framework indicate development should be restricted.
10. The Council now considers it can demonstrate a deliverable five year housing land supply in accordance with paragraph 47 of the NPPF. This is based on a robust assessment of the realistic prospects of housing delivery on a range of sites in the adopted Development Plan, the Submission Local Plan to 2030 and other unallocated sites taking account of recent case law, the respective deliverability tests in Footnote 11 to para. 47 of the NPPF and the associated national Planning Practice Guidance and the detailed evidence base that supports the Submission Local Plan. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para.14 of the NPPF where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits, need not be applied.
11. In the context of this application the relevant policies for housing supply, would include policies TRS1 and TRS2 of the Tenterden and Rural sites Development Plan Document. Policy TRS1 states that “minor development or

infilling will be acceptable within the built-up confines of villages including Bethersden. The preamble to policy TRS1 defines the built-up confines. For the purposes of an assessment against this definition, the application site would fall outside of the built-up confines. Policy TRS2 of the DPD states certain 'exception criteria that could allow development outside of built-up confines, however, this proposal for four detached market dwellings fails to meet any of these.

12. Notwithstanding the above, material to the consideration of this application is emerging policy HOU5 of the Ashford Local Plan to 2030. Policy HOU5 sets out the criteria against which to assess development adjoining or close to the existing built up confines of settlements listed in policy HOU3a (which includes Bethersden). The policy however is rigorous in requiring a large number of criteria to be met including that the design sits sympathetically within the wider landscape, it preserves or enhances the setting of the nearest settlement and includes and is consistent with local character and built form.
13. In addition to the landscape and design criteria contained in emerging policy HOU5, the policy also requires development to be within easy walking distance of basic day to day services in the nearest settlement, and to be located where it is possible to maximise the use of public transport, cycling and walking to access services. The site is within walking distance of the village and on a bus route. The site is therefore considered to be locationally sustainable. Notwithstanding this, it is necessary to consider the environmental and social issues arising from the application, so far as the natural and built environment is concerned. This includes amongst other things the need for development to respect the prevailing character of the area. As can be seen from the remainder of the report, it is the view of officers that whilst the site is locationally sustainable, the proposal would constitute an unsustainable form of development by reason of the significant and demonstrable harm it would cause from the perspective of the natural and built environment. In officer's view, in this respect, the proposed development would be contrary to the provisions of adopted and emerging local plan policies and the NPPF.
14. Also material is the emerging Neighbourhood Plan for Bethersden which currently has some weight as it is at examination stage. It is worth noting however that the plan identifies housing land for 34 units on three sites within the Parish and the application site is not one of them. In fact, the application site forms part of an omission site which was rejected by the Parish Council on a number of grounds including: that it does not have good access to services; the impact of development on neighbours; and the impact on the environment and views. On this basis, the site was not considered suitable for development compared to other sites within the village.

- **Visual Amenity**

15. Saved Policy GP12 of the Ashford Local Plan seeks to protect the countryside and manage change. Policy EN9 concerns the setting and entrances of towns and villages. Policy CS9 of the LDF Core Strategy seeks to achieve high quality design. Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD require development to respect landscape character and design and retain important rural features.
16. This is an outline application. Whilst indicative plans have been provided showing 2-storey development of a traditional form and design, matters relating to landscaping, scale and appearance are reserved for future consideration. However, matters relating to the layout are to be considered, and the assessment in relation to this is set out below.
17. This is a backland site accessed down a narrow track between properties in Ashford Road. The properties in the vicinity of the application site are exclusively one plot deep and generally back onto open countryside. The Ashford Road properties on the northern boundary of the site have unusually shallower (but still generous) gardens with a communal parking area occupying the land to the rear. The site therefore provides a rural backdrop to properties in Ashford Road. It also contributes to the rural setting of the village in views from the Public Right Of Way (PROW) AW280 which runs north-south to the west of the site. These views are of the soft edge of the village created by the long back gardens and low-key equestrian use of the application site itself.
18. The urban grain in this part of Bethersden is of ribbon development, one plot deep. The proposed development would be at odds with this prevailing urban grain by introducing a new form of development with four detached properties situated behind the main building line. This would diminish the countryside character as this presently open field with a modest equestrian building would take on a domestic appearance.
19. The introduction of gardens would exacerbate this issue. In addition to the dwellings proposed, features including additional hard surfacing, enclosing fencing, lawns, patio areas, shrub and flower bed planting, and a range of domestic paraphernalia such as washing lines, garden furniture and perhaps children's play equipment are also likely future additions. It is also reasonable to assume that, once established, there would be the subsequent wish to introduce additional outbuildings such as sheds and similar structures, all of which would appear additionally incongruous.

20. Overall, I consider that the development of this backland site goes against the prevailing character of the area. It would introduce an incongruous form of development harmful to the character and appearance of this part of Bethersden. Together with the domestication of the surroundings, the proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing significant and demonstrable harm to the landscape quality and visual amenity of the area. Whilst views from the PROW could be softened with landscaping, this would take time to establish and would not be sufficient to fully mitigate against the adverse impacts of the proposal. The proposals are therefore contrary to the aforementioned policies.

- **Residential Amenity**

21. 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.

22. Assuming two-storey development, I do not consider that the proposed development would be unacceptably overbearing or result in overlooking of adjoining properties. Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. A number of residents have raised concerns regarding potential noise and disturbance at the access into the site (due to an increase in car and people movements), however, the access is already used by a number of cars that park in the rear parking area. Given that only four units are proposed, I do not consider that activity associated with the development would cause demonstrable harm to the residential amenity of existing residents.

23. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD. If approved, a condition could be imposed to ensure that the reserved matters application demonstrates that the internal accommodation proposed complies with the National Space Standards.

24. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

Highway Safety and Parking

25. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states, that developments that would generate significant traffic

movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development.

26. On the advice of KCC Highways and Transportation, the proposals have been amended to widen the proposed access to the dimensions recommended. The widened access would provide sufficient space for 2 vehicles to pass each other and reduce the risk of drivers queuing on the Ashford Road.
27. KCC Highways and Transportation are now satisfied that access can be achieved without detriment to highway safety. KCC are also satisfied that adequate visibility can be achieved at the access. It is therefore supportive of the application subject to the imposition of a number of standard conditions, should planning permission be granted.
28. Again, whilst layout is reserved for future consideration, the indicative plans show that sufficient parking for three/four bed homes can be accommodated on site in accordance with the Council's adopted Parking Standards SPD. Parking in accordance with these standards could also be secured by condition.
29. On this basis, I raise no objections on these grounds.

Ecology

30. Policy EN31 of the adopted 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.
31. Guiding Principles Policies CS1 (A) (D) and (K) of the Core Strategy identify objectives of ensuring protection of the natural environment and integration of green elements enhancing biodiversity as part of high quality design. Against these overarching objectives, Policy CS11 of the Core Strategy specifically requires development proposals to avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity. This is included also in Policy ENV1 of the emerging Local Plan.
32. Policy TRS17 of the Tenterden and Rural Sites DPD requires development to have regard to the type and composition of wildlife habitats. These policies are consistent with the NPPF which indicates that the planning system should contribute to and enhance the natural and local environment.
33. KCC Biodiversity raises no objections subject to conditions. Whilst it agrees with the conclusion that the pond (located just outside the southern site

boundary) is unsuitable for breeding GCN and the development site offers little terrestrial potential, it is concerned that individuals may get killed/injured if commuting during the works. It therefore advises that a precautionary GCN mitigation strategy is submitted and implemented as a condition of outline planning permission if granted. Other conditions are recommended in respect of lighting (bats); the need to retain/protect existing site trees and hedgerows and ecological enhancement.

34. If approved, then subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance.

Other Issues

35. A number of residents have raised concerns about localised flooding during heavy rainfall. The site does not lie in an area prone to flooding and whilst no details have been provided, there is sufficient space on site to accommodate a drainage scheme designed to incorporate sustainable drainage systems in line with policy CS20 of the Core Strategy and the Council's SUDs SPD. If permitted, this could be secured by condition.

Human Rights Issues

36. 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

37. 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

38. The Council now considers it can demonstrate a deliverable five-year housing land supply in accordance with paragraph 47 of the NPPF.

39. The site is not allocated for development in the adopted development plan. Neither is it allocated in the Bethersden Neighbourhood Plan, it in fact, forms an omission site.
40. Although adopted development plan policy TRS1 of the Tenterden and Rural Sites DPD states that minor development or infilling will be acceptable within the built-up confines of villages including Bethersden, the application site would fall outside the built-up confines. The development does not meet the exception criteria set out in policy TRS2. The application therefore represents a departure from the development plan.
41. Emerging policy HOU5 is material to the assessment of this application. Whilst the development is locationally sustainable, it would fail to comply with criteria seeking to safeguard the landscape character and ensure that development is consistent with local character and built form. The development is also considered to fail to fulfil aspects of the environmental and social role of sustainable development as set out in the framework. This is because as a backland development in this context the development fails to respect the existing urban grain by providing 4 detached units behind the building line. As a result, it is not sympathetic to its context would diminish the countryside character and cause significant and demonstrable harm to the landscape quality. It would therefore be harmful to the natural and built environment.
42. In conclusion, for the reasons set out in the report, the proposal would represent an unsustainable form of development which fails to comply with relevant policies in both the adopted development plan, emerging Ashford Local Plan to 2030 and guidance contained in the NPPF. I therefore recommend that outline planning permission is refused.

Recommendation

Refuse

on the following grounds:

1. The proposal is contrary to Policy EN9 of the Ashford Local Plan 2000; Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008; Policy TRS1 ; TRS2 and TRS17 of the Tenterden and Rural Sites DPD, Policies SP1, SP2, SP6, HOU3a and HOU5 of the Ashford Local Plan 2030 (Submission Version), Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:

The proposed development would constitute an inappropriate backland development that fails to respond positively to its context by virtue of the fact that it would detract from the established urban grain of this part of the village. Together with the domestication of the surroundings. The proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing significant and demonstrable harm to the landscape quality and visual amenity of the area.

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,
- was provided with pre-application advice,
- 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/00251/AS.

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Annex 1



Ashford Borough Council



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