

Application Number	18/00125/AS
Location	Oakwood Cottage, Etchden Road, Bethersden, Ashford, Kent, TN23 3BZ
Grid Reference	96004/22125
Parish Council	Bethersden
Ward	Weald Central
Application Description	Erection of cabin/lodge and change of Use of both Cabin/Lodge and land to a Wedding Facility, Siting of a Wedding Marquee and Service Tent, hardstanding, decking and canopy and Change of Use of Land for Parking Guest Cars for 15 Weddings held between April and October Each Year (retrospective)
Applicant	Mr and Mrs Turner Oakwood Cottage, Etchden Road, Bethersden, Ashford, Kent TN23 3BZ
Agent	Mrs Helen Whitehead Price Whitehead Chartered Surveyors Forstal Farm, Appledore Road, Tenterden TN30 7DF
Site Area	0.42 hectares
(a) 7/4R	(b) Bethersden - R (c) KHT – R, KCCE – R, WT – R, KWT – R, EP - R

Introduction

1. The application is reported to the Planning Committee at the request of the local Ward Member, Cllr Clair Bell.

Site and Surroundings

2. Etchden Road is a rural lane with Bear's Lane to the east and parts of the road runs through an ancient woodland. There are sporadic residential and agricultural buildings along the roads in the surrounding area. The site is located in countryside to the north west of the urban area of Ashford and north east of the village of Bethersden, within the Biddenden and High Halden Farmlands Low Weald Landscape Character Area. The entire application site, adjoining land and land either side of the access road is covered by Tree Preservation Order No 11 1974) and two Wildlife Sites comprising the Wood

and Pasture, extra to Hoads Wood Site for Special Scientific Interest (SSSI) and Mereworth Woods (East). The application site is covered by an Article 4 direction preventing the stationing of any caravans and forestry buildings and works. The surrounding area is in the Biddenden and High Halden Wooded Farmland, Landscape Character Area. The land immediately adjoining the application site is in the Hoards Wood, ancient woodland. There is an area of archaeological potential, Lympne Roman road to the south east.

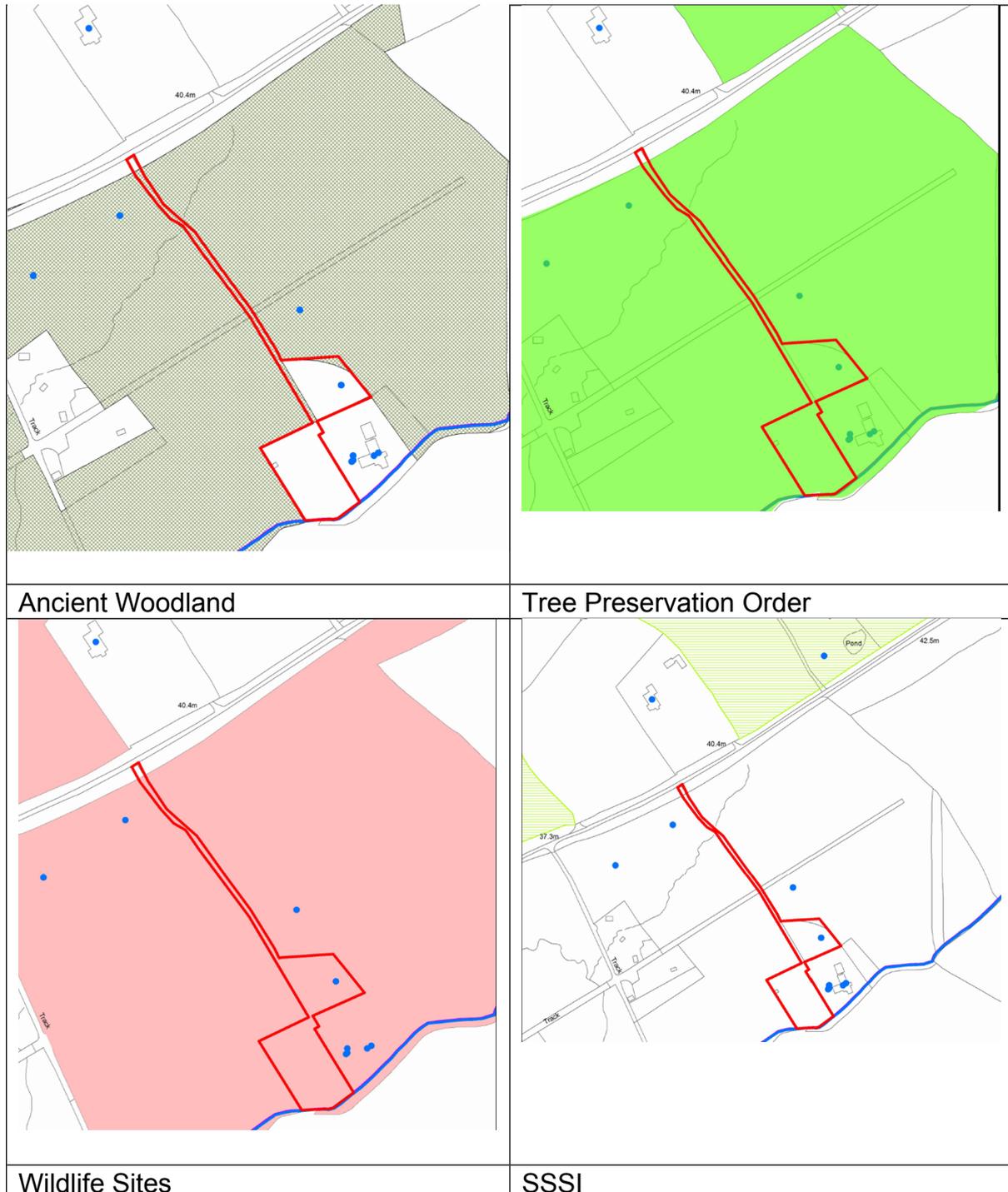


Figure 1: Designations

3. The site is accessed from a long driveway to Etchden Road running broadly from north west to south east. This track was built to serve residential purposes and is a partially uneven, pot holed surface.
4. The site is part of a larger land holding including the woodland between Etchden Road and the existing wedding venue buildings and the dwellinghouse of Oakwood Cottage to the south east. The wedding venue complex comprises a timber building with two co-joined marquees on concrete bases. The land to the south east has spoil heaps and is used for the storage of building materials.



Figure 2: Aerial photograph

Proposal

5. Full planning permission is sought for the change of use of the site, which relates to land to the west and north of the dwelling, to provide a venue for up to 15 weddings a year between May to October. This use includes existing built development of a timber lodge building, areas of hardstanding with the siting of a marquee and service tent, together with the use of part of the land for a car park for guests. The site was first used for a wedding in the summer of 2017, therefore, this has been submitted as a retrospective application. The planning, design and access statement states that there would be a maximum number of 120 guests. The application form states that there would be 3 staff, no details have been given of who this would be and no details of other personnel required such as caterers, florist, hair and make-up stylists, entertainers etc. For a wedding the venue would be in use from 10am the day

before to set up the venue and leave 10am the day after, so the activity could last for up to three days for each wedding.

6. The Lodge structure adapted for use is 20m x 6.7m and has the addition of the covered canopy and would have a timber clad exterior (this was partially complete at the time of the site visit on 20.02.2018), this provides a ceremonial room, bathroom and changing facilities and a lounge/bar. The marquees have a metal frame fixed to the concrete slabs with white roof and wall canvas coverings, these were erected by the summer of 2017.
7. The Lodge structure, canopy, decking, concrete slabs all require planning permission and this application seeks to regularise this. In addition to this, landscaping works with the post and rail fencing and footways on the site.
8. The applicant states that the venue would not provide amplification equipment for music, this would therefore, be provided by the DJ, live band or entertainer.
9. The application states that this is a new business venture that has evolved from an identified need. It would have an economic role which would integrate with local suppliers and businesses, provide new local employment and bring external revenue into the locality through guest spending and the use of local accommodation and eateries. It would have a social role as an affordable wedding facility and their personal requirements. There would be no harm to the environment as the scheme would not overburden the local road network, noise has been carefully considered.
10. A transport statement has not been submitted, the applicants state that the existing access from Etchden Road would be used and there would be 56 car parking spaces, although this number of spaces is unlikely for a 120 guest wedding and 40 per event is more likely from their own experience and research, with the remaining spaces used at different times of the day by supporting staff and suppliers. The site has level access for accessibility.
11. It is expected guest traffic would come from Great Chart onto Etchden Road by private motor car and taxis, they would arrive in stages with the wedding party arriving before the other guests. The support staff would also arrive at staggered times prior to the start so that movements would be a stream, rather than everyone arriving 'on mass.'" The end of wedding would be staggered in the evening and after the wedding breakfast.
12. An amended noise report was submitted in February 2018, the music noise level should not exceed the background noise by more than 5 dB(A) over a 15-minute period for events finishing at 23:00 hours and music noise levels LAeq(15-minutes) in the 63 Hz and 125 Hz octave bands not to exceed

ambient LAeq(15-minutes) in the 63 Hz and 125 Hz octave bands by more than 5 dB. The results also indicate that the existing background noise climate between 23:00 – 00:00 hours is 43 dB LA90(15-minutes) and that the impact from amplified music of 46 dB LAeq was only 3 dB(A) above the measured background noise climate in the first survey and 5 dB(A) in the second survey.

13. This report recommended that doors on the marquee are closed or an entrance lobby created, installation of a sound limiting device (this would cut the power or provide a warning if the noise exceeds a specified limit) in a tamper proof cabinet and no external loudspeakers. These measures would minimise the noise from the marquee and be inaudible from the nearest residential property.
14. The ecological and arboricultural report states that the botanical survey has confirmed that the site lacks any significant woodland ground flora and this is commensurate with this past woodland clearance and the TPO would apply to peripheral trees. The recommended ancient woodland 15m buffer has been embraced by the new development footprint using a pad and beam foundation for the building and where the concrete base extends into this the areas are relatively limited in extent. The pad-and-beam foundations and single footpath represent only minor point or shallow surface impacts. The impacts upon these veteran trees would not be regarded as significant as buffers would be achieved.
15. The woodland would be fenced off to ensure guests remain within this venue. Noise, disturbance and lighting upon the woodland can be dealt with by imposing typical planning restrictions.



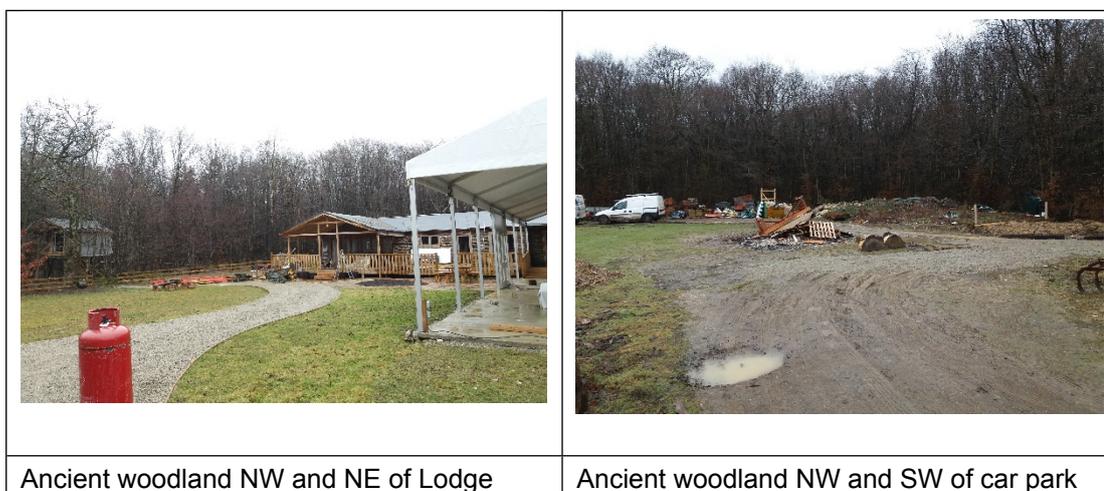


Figure 3: Photographs

Planning History

Application site:

EN/99/02004	Unauthorised stationing of a residential caravan	NOTICE ISSUED	03/07/1999
		COMPLIED	31/12/1999
97/00578/AS	Stationing of one caravan for a gypsy family - change to residential use	REFUSED	13/08/1998
		DISMISSED ON APPEAL	23/12/1998

Adjacent land to the south and east of the application site:

09/00387/AS	Replacement dwelling destroyed by fire and ancillary garage	GRANTED	01/06/2009
06/00983/AS	Erection of replacement dwelling	GRANTED	21/11/2006
01/00860/AS	Replacement of mobile home with dwelling	REFUSED	10.08.2001
97/00087/AS	Application for lawful development certificate: existing development - stationing of one caravan	LAWFUL	23/12/1997

16. The application site comprises the access road, the land to the north west of the main dwelling, Oakwood Cottage where the Lodge is and the land to the south east of the dwelling for the car park. The land to the north west is the subject of an active Enforcement Notice preventing the stationing of residential caravans.

17. The Lodge subject of this planning application was erected on site between 20.04.2015 and 09.04.2017, from aerial photographs. It is on the land subject of the Article 4 Direction preventing the stationing of caravans and is partially on the land subject of the Enforcement Notice. Furthermore, at the time planning permission was granted for the replacement dwelling permitted development rights were withdrawn for outbuildings and the application site is outside the residential curtilage, so would not benefit from permitted development.
18. The Lodge structure is therefore unauthorised development due to the time that it has been on the land. Reference is made in the supporting information to accompany the application that the “mobile home/cabin” has a lawful development for residential use and has been reconfigured to form a wedding facility. It goes on to say that it is clad in timber. No lawful development certificate has been granted for such development and in any event it is my view that the development is a building. This is because the structure, now has foul sewerage, decking and a covered canopy to the front. Due to additions attached to the structure, infrastructure and size this would not be readily moveable despite being on plinths; due to its substantial construction, and so represents a building operation.
19. The application is therefore seeking the use of a building that is not lawful and therefore forms part of the application and is not immune from enforcement action as it has been on the land for less than 10 years.

Consultations

Ward Members: The Ward Member is not a member of the Planning Committee.

Bethersden Parish Council: object and have raised the following matters:

- unsuitable highway access
- noise and disturbance
- traffic congestion

Kent Highways and Transportation: object and have raised the following matters:

- Etchden Road is too narrow to accommodate the proposed increase in traffic, with a lack of suitable passing places to allow two vehicles to pass each other
- Etchden Road is a rural road, which narrows after the junction with Bear’s Lane when travelling in a south westerly direction

- there is the potential for 50+ cars using this road to attend a wedding at Oakwood Cottage, including large catering trucks and delivery vans supplying goods

KCC Ecology: has made the following comments:

- the 15m buffer to the ancient woodland would not be achievable
- detrimental impact on adjacent ancient woodland
- unclear how the woodland will be protected from an increase in trampling due to an increase in visitors
- no assessment has been provided in regards to the potential impacts of noise and lighting upon the ancient woodland and the impacts upon biodiversity

Woodland Trust: object and have raised the following matters:

- the TPO does not negate the impacts of the scheme on the ancient woodland due to the proximity of the sited building
- the change of use to a wedding venue, would greatly increase the impacts of noise and light pollution, often at unsociable hours, impacting both woodland and wildlife
- there are concrete structures within the 15m buffer zone so would not be an appropriate buffer
- the buffer is drawn with unequal measurements
- more intensive usage by wedding guests which could result in trampling of sensitive ancient woodland flora if not policed
- welcomes the revisions of the root protection areas of three veteran trees

Kent Wildlife Trust: object and have made the following comments:

- subject to further planting and management proposals to encourage a more diverse semi-natural habitat in the Ancient Woodland buffer zone, the proposed mitigation measures are appropriate
- no assessment of the land to the south west for the car park

Environmental Protection: object and have made the following comments:

- ambient noise monitoring location was in close proximity to an electrical transformer located near the gateway of the nearest noise sensitive receptor, with a distinctive hum
- the background survey was very consistent, and the background level seemed high for the location
- own comparative noise measurements were taken away from the transformer, near to the entrance to Oakwood Cottage on 23.06.2018
- significant difference in the background levels recorded by the Council and those reported in the noise survey, this throws into question the reliability of the report
- the location is very quiet with the only significant noise source being the odd passing train and car

Neighbours: 7 neighbours were initially consulted and 4 representations to object were received.

The objections are summarised below:

- noise and disturbance
- use of fireworks
- traffic congestion
- HGV deliveries
- waiting taxis
- hazard to other non-motorised road users
- overspill car parking
- no measures to reduce waste and pollution
- fire safety
- harm to the countryside
- foul sewerage capacity

- harm to the character of the area
- littering
- ineffective enforceability of conditions and licence
- activities restricted to the Lodge only
- restrict delivery times
- reduce capacity of guests and staff to 72
- submit a travel plan

7 representations received in support making the following comments:

- no harm to the local landscape
- supporting local business
- sustainable development
- limited use allows land to rest
- much needed venue
- no harm to woodland
- noise not heard through woodland
- no harm to habitats
- no harm to character of the area
- accessible facilities
- encourage visitor tourism
- sustainable location
- little increase in traffic
- local employment
- no fireworks used

The application includes letters from a local taxi firm, spa, prospective client, wedding cake designer, entertainment provider, caterer, stylist, glamping site, florist, celebrant and event services.

Planning Policy

20. 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 and as such its policies should now be afforded some weight, in accordance with paragraph 216 of the NPPF.

Ashford Borough Local Plan 2000

GP12 - Protecting the countryside and Managing change

EN23 - Sites of archaeological importance

EN27 - Landscape conservation

EN30 – Nature conservation sites

EN31 - Important habitats

EN32 – Important trees and woodland

LE8 – Leisure facilities

Local Development Framework Core Strategy 2008

CS1 - Guiding Principles

CS7 - The Economy and Employment Development

CS9 - Design Quality

CS11 - Biodiversity and Geological Conservation

CS18 - Meeting the Community's Needs

CS15 - Transport

CS20 - Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS10 - New employment premises in the Countryside

TRS17 - Landscape character and design

TRS18 – Important rural features

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

Ashford Local Plan 2030 (submission version December 2017)

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

EMP4 - Conversions of rural buildings to non-residential uses

EMP5 - New employment premises in the countryside

TRA3b - Parking Standards for Non- Residential Development

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV15 - Archaeology

Town and Country Planning (General Permitted Development) (England) Order
2015 (as amended) (GPDO)

Supplementary Planning Guidance/Documents

Landscape Character SPD 2011

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework 2012

Planning Policy Guidance

Consultation draft revised National Planning Policy Framework 2018

22. Members should note that the determination must be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF (para. 215). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Core planning principles
- Chapter 1 - Building a strong, competitive economy
- Chapter 3 - Supporting a prosperous rural economy
- Chapter 4 - Promoting sustainable transport
- Chapter 7 - Requiring good design
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 - Conserving and enhancing the natural environment

Assessment

23. The main issues for consideration are:
- (a) Impact upon social, economic and employment
 - (b) Impact on visual amenity
 - (c) Impact on residential amenity
 - (d) Impact on highway safety

(e) Impact on biodiversity and ecology

(f) Other considerations including the fall back position

24. Para. 28 of the NPPF says policies should “support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.” Through the conversion of existing buildings and well-designed new buildings and supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Policy TRS10 does not refer to leisure uses and there is no longer a requirement in the NPPF to demonstrate that the use is essential to be located in the countryside. However, the impact regarding the protection of countryside sites, landscape, biodiversity, neighbour amenity and rural road network are all relevant.
25. Emerging policy EMP5 has a presumption against new employment premises in the countryside to protect countryside sites with specific landscape and biodiversity qualities.
26. The proposal would have an economic benefit to local suppliers and businesses that provide goods and services for weddings and local employment. There would also be some increase in local spending from wedding guests in the local economy on accommodation, taxis, eating out etc. However, due to the number of events and scale of the operation, this would have a seasonal, localised benefit; so the economic impact would be small.
27. Whilst not required, the applicant has not provided a business case for the need for a wedding venue in this location. A brief search of the internet reveals 24 venues in a 20km radius of the site ranging from barns, gardens, manor houses, hotels. However, it accepted that there would be a market for lower-cost wedding venues such as this.

Landscape character and visual impact

28. Development Plan policies seek to ensure that new development should recognise the intrinsic character and beauty of the countryside.
29. Policy CS1 sets out the guiding principles of development and seeks to ensure that sustainable development and high-quality design are at the centre of deciding planning applications. Part C in relation to the protection of the countryside and landscapes and part D on new buildings is relevant.
30. Policy CS9 refers specifically to design quality and requires proposals to be of a high-quality design and to demonstrate a positive response to a number of design criteria, the first being ‘character, distinctiveness and sense of place.’

Emerging policy SP6, seeks to achieve high quality design and follows through on this approach.

31. Policy TRS17 of the TRS DPD requires that development in the rural areas is designed in such a way that it protects and enhances the particular landscape character area within which it is located, and, where relevant, any adjacent landscape character area. Proposals are required to have particular regard to a number of criteria including trees and woodland, historic landscape features and the design of buildings. Policy TRS18 of the TRSDPD is concerned with the protection and where possible the enhancement of rural features.
32. Saved Policy GP12 of the Ashford Borough Local Plan 2000 (ABLP) applies to the Borough's villages and rural areas. It is a guiding policy to protect the countryside for its landscape and scenic value (it is no longer consistent with national policy to protect the countryside for its own sake). Policy EN27 seeks to protect important landscape features from development and support enhancement measures.
33. Protecting the landscape and scenic value of the countryside is consistent with the NPPF, including in particular the environmental considerations as specified in the NPPF (notably paragraphs 17 and section 11 - Conserving and Enhancing the Natural Environment). Along with emerging policy ENV3a, these policies seeks to protect the landscape and scenic value of the countryside.
34. The Biddenden and High Halden Landscape Character Area, Landscape analysis set out within the Council's adopted Landscape Character SPD (2011) states the key characteristics are:
 - Extensive area of pre 19th century coppiced woodlands with good mix of trees, scrub and field layer and particularly over mature hornbeam coppice with oak standards.
 - An ancient bank lies to both sides of the Etchden Lane (probable old drove road) enclosed by the tree canopy, the southern extent has a high proportion of conifers interspersed throughout.
 - Small fields of improved grassland to the north.
35. The Ashford Landscape Character Assessment (2009) states that the sensitivity of the landscape is moderate, and that the landscape is in a moderate condition, and seeks to ensure that development conserves and improves the landscape character, with guidelines to conserve and appropriately manage woodland.

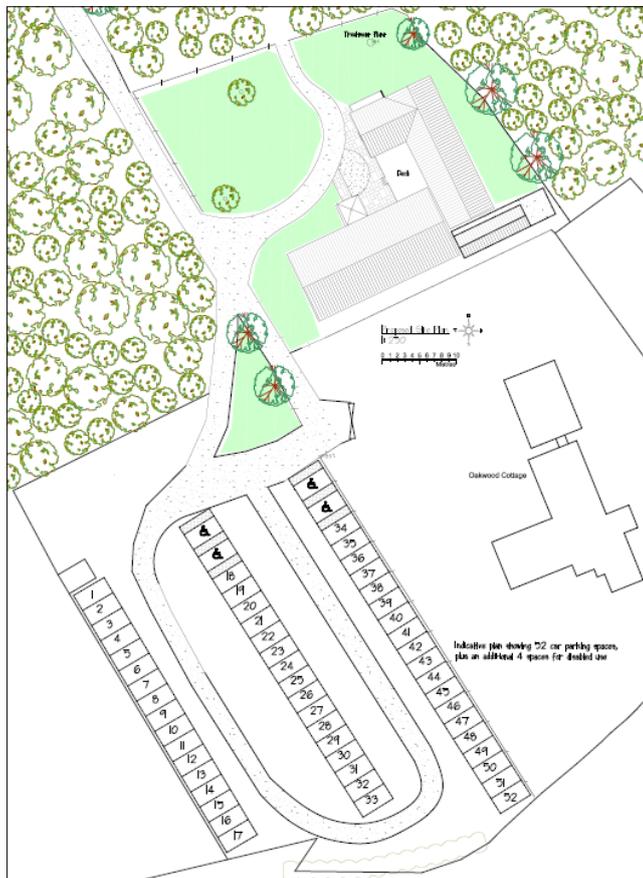


Figure 4: site layout

36. The application site is set in the countryside and afforded a degree of screening from the retained ancient woodland along the boundaries. However, the development that has taken place has resulted in an encroachment of the landscape characteristics of the site onto undeveloped land and a degree of domestication from the built development and landscaping works.
37. The existing buildings would appear incongruous in this landscape setting, the white canvas would appear vivid, against the backdrop of the ancient woodland. Whilst timber buildings are not uncommon in the countryside the Lodge has a domestic appearance due to the large number of openings, the decking and canopy.
38. The site is an area of cleared woodland and was previously undeveloped land. The development on the land along with the associated hardstanding for the driveway, post and rail fencing and patio have resulted in a significant change in the appearance of the land which would not respect the open

countryside qualities of the land and would be harmful to the woodland setting.

39. The application site is in a rural location and the appearance of the site as described above would fail to protect the landscape character area. Therefore, the development would comply with policies GP12, EN27, CS1, CS9, TRS17 and TRS18 and emerging policies SP6, ENV3a and EMP5.

Residential amenity

40. TRS10 relates to employment uses and as a leisure development this is a rural enterprise, so criterion c) regarding amenities of any neighbouring residential occupiers is a relevant consideration. This policy has been carried forward in emerging policy EMP5 and this is consistent with bullet point 4 of the Core Principles of the NPPF to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”
41. The nearest residential dwellings are Oakwood Cottage to the south and South Landing on the opposite side of the site access from Etchden Road. The applicant would operate the wedding business and live on the site, as well. This would reduce any conflict to their amenity.
42. South Landing is approximately 215m north west of the application site. It is accepted that the venue would only operate between April to October for up to 15 events. Although during the wedding season, this could result in a wedding every two weeks. The application also explains that this would involve the setting up from 10am the day before and then leaving the site at 10am the day after so the impact could cover at least 3 days.
43. The applicant’s acoustic report makes reference to the use of a marquee in front of the Lodge for the playing of amplified music. The loudspeakers would be located inside the marquee which has canvas walls, which could easily be moved by the wind or tied up. This would provide no sound insulation from the noise generated and in this open countryside location would carry greater distances. The remote location also means that current background noise is limited to traffic noise and passing trains.
44. A survey was carried out of noise levels of amplified music from Etchden Road. The ambient noise monitoring location is believed to be in close proximity to an electrical transformer located near the gateway of South Landing, which emits a consistent ‘hum’. Following this information Environmental Protection has reconsidered the submitted report and having taking their own background noise measurements from near the entrance to the site concluding that the results of the report cannot be relied upon

45. The Council's results showed an overall background reading of 26.7 dB_(A), this is significantly different to the results in the survey submitted which has its lowest reading at 41 dB_(A).
46. The report states a predicated level 6 dB_(A) below the lowest background of 41 dB_(A) (i.e. a music noise level of 35 dB_(A)). However, the Council's measurement highlights a potential increase of 8 dB_(A) over background. There would also be a difference in the octave band levels measured. Overall, this would throw into question the findings of the report.
47. The report suggests the use of a noise limiter device which would not be easy to monitor, out of working hours and on weekends when the weddings would be held. Whilst the condition can be worded to be precise to specify tamperproof seals on the cabinet for the noise limiter and noise limits set this would require measurements. In addition to amplified music, there would be noise from the use of microphones for speeches, a large gathering of people talking and socialising and banging doors from vehicles.
48. Therefore, given that the noise levels have the potential to cause a nuisance, a condition for mitigating the impact would not fully comply with the tests in para. 206 of the NPPF, in conjunction with changes in weather conditions and the personal choice exercised by guests and entertainers this could not be managed. It is acknowledged that there are safeguards under other legislation, however, there remains a potential for noise and disturbance from amplified music and activity from a gathering of a large number of people which would be harmful to neighbouring amenity.
49. In addition to this, the venue would have the capacity for 120 guests and a car park with 56 spaces (including 4 accessible spaces). (However, their website states that they have capacity for 120 day guests and 200 evening guests and parking for 80 vehicles.) There would also be vehicle movements for deliveries and preparations. Etchden Road is a rural lane through a woodland and the increase in activity from the proposal would result in a change in relationships which would peak on the day of the wedding when guests arrive and then depart with taxis waiting and cars travelling on the rural lane with damaged banks and no turning space. Whilst measures could be agreed for the arrival and departure of guests, again this would be difficult to enforce due to the window when the activities would take place.
50. The proposals would result in noise and disturbance from amplified music, activity of the site and comings and goings of guests. This would be contrary to policy TRS10 and emerging policy EMP5, the NPPF and PPG.

Ecology and biodiversity

51. The NPPF in para. 118 directs that planning permission should be refused for development resulting in the loss or deterioration of this irreplaceable habitat, unless the need for and the benefits of the development clearly outweigh the loss.
52. Policy CS1, A states that development should respect the natural environment of the borough and CS11 seeks to “avoid harm to biodiversity and geological conservation interests, and seek to maintain and, where practicable, enhance and expand biodiversity by restoring or creating suitable semi-natural habitats.” This is followed through in emerging policies SP1 and ENV1. A criterion on TRS10 is also concerned with the impact on sites of biodiversity value and given that this is two local wildlife site, these are applicable.
53. Saved policies EN30, EN31 and EN32 are concerned with the impact on Sites of Nature Conservation Interest, which are now known as Local Wildlife Sites (LWS), other important habitats as the land has been improved and damage to woodlands. TRS17 has criteria relating to woodlands and wildlife habitats and TRS18 for protecting ancient woodlands. These assessments are in emerging policies ENV1, ENV3a and ENV5.
54. Natural England Standing Advice for Ancient Woodland and Veteran Trees states the following with respect to the impacts of development within close proximity to ancient woodland: “Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:
 - breaking up or destroying connections between woodlands and veteran trees
 - reducing the amount of semi-natural habitats next to ancient woodland
 - increasing the amount of pollution, including dust
 - increasing disturbance to wildlife from additional traffic and visitors
 - increasing light pollution
 - increasing damaging activities like fly-tipping and the impact of domestic pets
 - changing the landscape character of the area.

55. To achieve this a 15m buffer an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland is required and cannot be used for recreational purposes. The Lodge complex and car park would both be within this buffer zone.
56. A buffer is defined as a landscape feature used to protect a sensitive area from the impacts of development or other harmful neighbouring land use. A buffer may go around the whole area to be protected, or it may be along one edge. It could be planted with native trees or shrubs or it could be an area of land which the development is not allowed to encroach upon (e.g. a grass strip). The submitted buffer diagram does not fit this description and cannot be considered a 15m buffer as a buffer begins from the closest building, to the edge of the ancient woodland.
57. As such, damage to ancient woodland does not just constitute direct loss, but also the negative impacts to the stable internal conditions from such developments. The current recreational use of the ancient woodland by walkers is not comparable to the potentially more intensive usage by wedding guests which could result in trampling of sensitive ancient woodland flora if not policed. Apart from part of the reception marquee all the other structures are within the 15m buffer and no details have been given for a buffer to the ancient woodland adjoining the proposed car park.
58. Within the buffer zone there are three veteran trees. The canopy of these trees would fall within the buffer zone. There would be some intrusions into the canopies, however, this would be minor and be satisfactory in these instances.
59. It is accepted that this part of the woodland was cleared some time ago, however, the change in use of the land as a wedding venue and the buildings has led to the loss of the buffer to the woodland which would have had unmown grass, native plants and saplings. This is now maintained with hard surfaces and maintained lawns, which does constitute a semi-natural woodland buffer. Due to the use of the site it would not be possible to secure a buffer in accordance with advice from Natural England to have semi-natural woodland in this buffer zone.

60. The proposal would have fencing to ensure guests would not enter the surrounding woodland and conditions could be used to restrict the hours of operation and external lighting. However, the intensification from the leisure and recreational use due to the number of guests and frequency has the potential to cause indirect harm from noise, light, litter and general activity in close proximity to the ancient woodland. No assessment of this impact has been made.

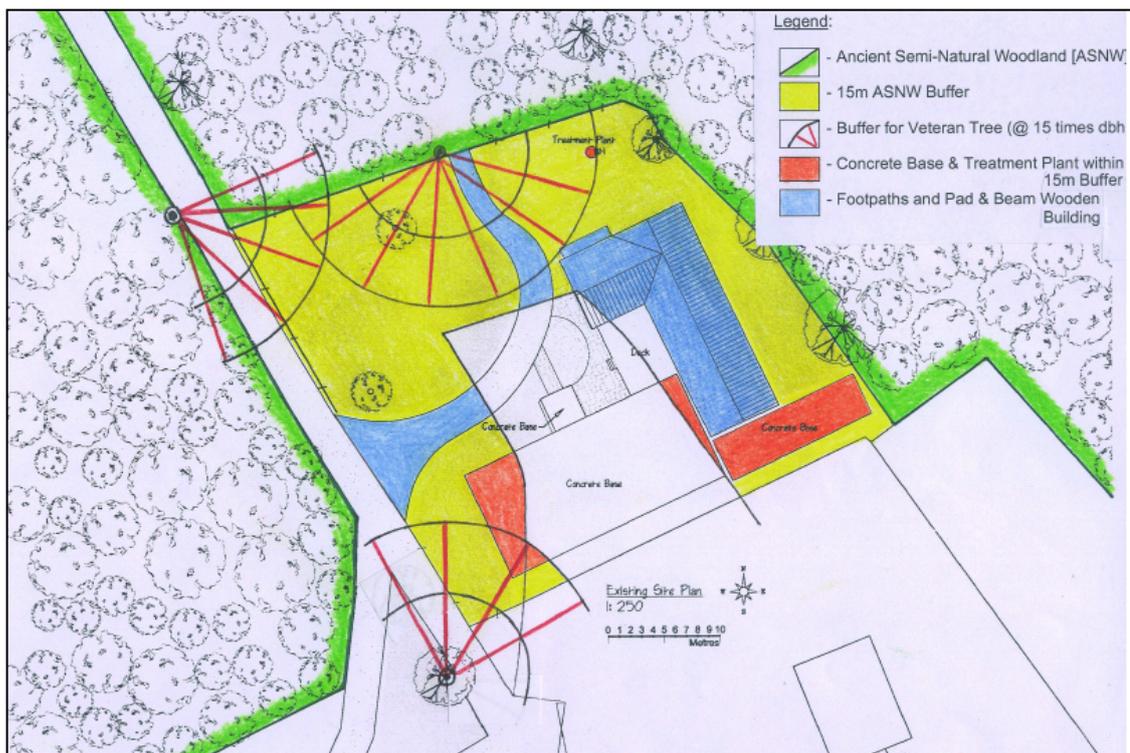


Figure 5: Woodland buffer

61. The car park would be in an area used for open storage, this would accommodate 56 spaces, however, the applicant's website states they have 80 car parking spaces and from the layout details these additional 24 spaces have not been identified. For larger weddings and evening receptions with up to 200 guests (as stated on their website) this capacity could easily be reached even with guests car sharing and staff arriving at different times. As examined below this is not a sustainable location and there is a risk of overspill parking in the buffer areas of the ancient woodland which should be protected and enhanced. As a large majority of the site is within the 15m buffer zone it would not be appropriate to require mitigation measures by condition.
62. From the ecological assessment report (which was carried out in March outside the typical botanical survey season), the findings are as follows:

- no uncommon plants
 - a few were Ancient Woodland Vascular Plants
 - individual broad-leaved trees
 - poor semi-improved grassland
 - no evidence of badgers, hazel dormice, reptiles and amphibians
 - surrounding woodland would have a bat population
63. The findings in the report confirm that there would be no harm to the habitats of protected species and flora. However, the assessment is related to one part of the application site and there is potential for habitats in the land adjacent to the site which has not been surveyed to be affected by the proposal in the Local Wildlife Sites.
64. The proposal fails to provide a buffer to the ancient woodland from the buildings and the car park and result in harm from the increase in noise, light, recreational use and overspill car parking which would affect the ancient woodland and Local Wildlife Sites. This would fail to comply with Development Plan Policies GP12, EN30, EN31, EN32, CS1, CS11, TRS10, TRS17, TRS18, emerging policies SP1, EMP5, ENV1, ENV3a and ENV5, the NPPF, PPG and Natural England's Standing Advice.

Transport and highway safety

65. Policy CS15 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." Para. 11.13 provides further details in that "the suitability of the rural road network to accommodate traffic generated by a proposal will be key to judging its acceptability. This is particularly the case when new proposals could generate a greater use of larger vehicles or the network is not considered to be safe." The impact on the road network is also considered under criterion d0 of TRS10. These policy considerations have been through into emerging policies TRA7 and EMP5.
66. The scheme would use the existing access from Etchden Road. Kent Highways and Transportation are of the view that this road is too narrow to accommodate the proposed increase in traffic. To address this passing places would be required to allow two vehicles to pass each other. However, as there are no suitable locations for this provision due to the required passing places

being on privately owned land, the proposal would therefore, be detrimental to highway safety

67. Etchden Road is a rural road, which narrows after the junction with Bear's Lane when travelling in a south westerly direction. The site access is 500m from Bear's Lane to the east and 2800m from Fridd Lane to the west, which are the closest roads large enough for two way traffic. There is much evidence of over-run on both sides of the road, where cars are having to leave the highway to facilitate passing.
68. There is the potential for 56 cars using this road to attend a wedding at Oakwood Cottage, including large catering trucks and delivery vans supplying goods. There is a width restriction on Fridd Lane, at the western end of Etchden Road, however this does allow for access only. The above issues would only be exacerbated by the proposal.
69. The proposal would have 56 car parking spaces, the applicant states that from their experience 40 has met their needs and this provides a buffer. However, no evidence has been submitted in support of this. The site is not in a sustainable location, there are no lit footways to a bus stop or railway station; so there would be a reliance on the private motor car to get to and from the site. The site is large enough to prevent overspill parking on Etchden Road however, manoeuvring could become difficult for larger wedding parties.
70. The change of use would lead to an increase in traffic generated that would be wholly unsuited for the road as it stands. This adverse impact on highway safety would be contrary to Development Plan policies CS15 and TRS10, emerging policies EMP5 and TRA7, the NPPF and PPG.

Other considerations including the fall back position

71. Under Class B, Part 4, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the temporary use of land is permitted development provided the use of any land for any purpose would not be for more than 28 days in total in any calendar year. This allows for the provision on the land of any moveable structure for the purposes of the permitted use. With reference to the development subject of this application, log cabin is a permanent structure and the car park would be a permanent change of use of the land so these would not benefit from permitted development, however, the use would. Whilst the site is in a SSSI, as it would not be racing, clay pigeon shooting or war games, there would be no restriction.

72. This potential fall-back position, is a material consideration in the sense that it could happen but given the nature of the proposed development and how the applicant intend to arrange the weddings then it is very unlikely. The permitted development rights would allow the change of use of the land only for 28 days of the year and the proposal is for a lesser number of events at 15 days. However, the proposed development is more intensive than just the use of the land, due to the use of the 'Lodge', marquees and car park. Therefore, this fall-back position is given less weight.

Human Rights Issues

73. 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

74. 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

75. This is a retrospective application to continue to use the site as a wedding venue with associated buildings and landscaping and proposed new car park. This area has undergone a significant intensification of use and increase in built form due to the Lodge and marquees entirely outside of the lawful residential curtilage of the dwelling.
76. The site of the Lodge and marquees is the subject of an extant enforcement notice and Article 4 direction preventing the stationing of mobile homes. It would seem that the Lodge was originally stationed on the land in the form of a twin mobile home without the benefit of planning permission, and following alterations has become a building which again does not have the benefit of planning permission.
77. The site is in the Biddenden and High Halden Farmlands Low Weald Landscape Character Area and the structures would appear incongruous and

the change of use would result in harm to the tranquil nature of this woodland environment.

78. The site is in the open countryside and the noise from amplified and other noise would result in a harmful change over and above the existing background levels. The applicant's survey has failed to demonstrate that the survey undertaken is reliable and mitigation measures would not provide satisfactory safeguards. In addition to this, the increase in comings and goings from the site particularly when guests arrive and leave would harm the surrounding tranquil countryside.
79. The site has a number of ecological designations with two Local Wildlife Sites known as the Wood and Pasture, extra to Hoads Wood Site for Special Scientific Interest (SSSI) and Mereworth Woods (East) as well as adjoining an ancient woodland. Standing advice from Natural England requires a 15m buffer of undeveloped land from the edge of the ancient woodland. The proposal would not achieve this and given the wildlife site, there would be a risk of harm to this special ecological environment from recreational activity, noise, light, litter and overspill car parking.
80. Etchden Road is a narrow one track road through a woodland, it would be unsuitable for the proposed vehicular movements associated with the wedding venue, including heavy goods vehicles and private motor cars. In the absence of suitable highway improvement works there would be a risk to highway safety.
81. The proposal would result in unsustainable and unacceptable development that would harm the woodland landscape, biodiversity values, neighbour amenity and risk to highway safety.

Recommendation

Refuse

on the following grounds:

The proposal would represent unsustainable and unacceptable development contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN30, EN31, EN32 and EN27, Core Strategy 2008 policies CS1, CS9, CS11 and CS15, Tenterden and Rural Sites DPD 2010 policies TRS10, TRS17 and TRS18, submission Local Plan 2030 policies SP1, SP6, ENV1, ENV3a, ENV5, EMP5 and TRA7, the National Planning Policy Framework and Planning Policy Guidance and Landscape Character SPD 2011, Standing Advice: Ancient woodland and veteran trees: protecting them

from development and would therefore be contrary to interests of acknowledged planning importance for the following reasons

1. the Lodge, marquees, and concrete slabs appear out of character and incongruous in this woodland setting and the maintained land with the hardstanding areas, paths and fences would not respect the semi-natural transition to the ancient woodland. This would result in harm to the visual amenity of the locality, its distinctiveness and sense of place

2. The development would give rise to an unacceptable level of noise and disturbance to residents within the locality as a result of the playing of music and in addition to the immediate resident opposite the site entrance at South Landing from ancillary activities associated with the weddings. As a result, the residential amenity of the occupiers of dwellings in the locality would be significantly harmed.

3. a) the proposal would fail to provide an appropriate 15m buffer to the ancient woodland

3. b) the proposal would lead to an increase in noise, light, recreational use and potential overspill car parking within the 15m buffer zone of the ancient woodland and likely harm to the habitat in the local wildlife sites.

As a result of 3. a) and b) above this would lead to direct impacts on the habitat from damage to soils, ground flora, fungi, roots, understorey from compaction, pollution as well as indirect impact on the habitat from the loss of connections, increased traffic and visitors, light pollution and litter.

4. the proposal site is served from Etchden Road which is a single track rural road with a lack of suitable passing places. The additional vehicle activity and traffic, which would include large delivery vehicles could not be accommodated on the road with be no possibility of highway improvement works, to the detriment of highway safety.

Note to Applicant

1. Working with the Applicant

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;
- given the opportunity to address concerns raised about biodiversity and the ancient woodland;
- 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 18/00125/AS)

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Annex 1

