

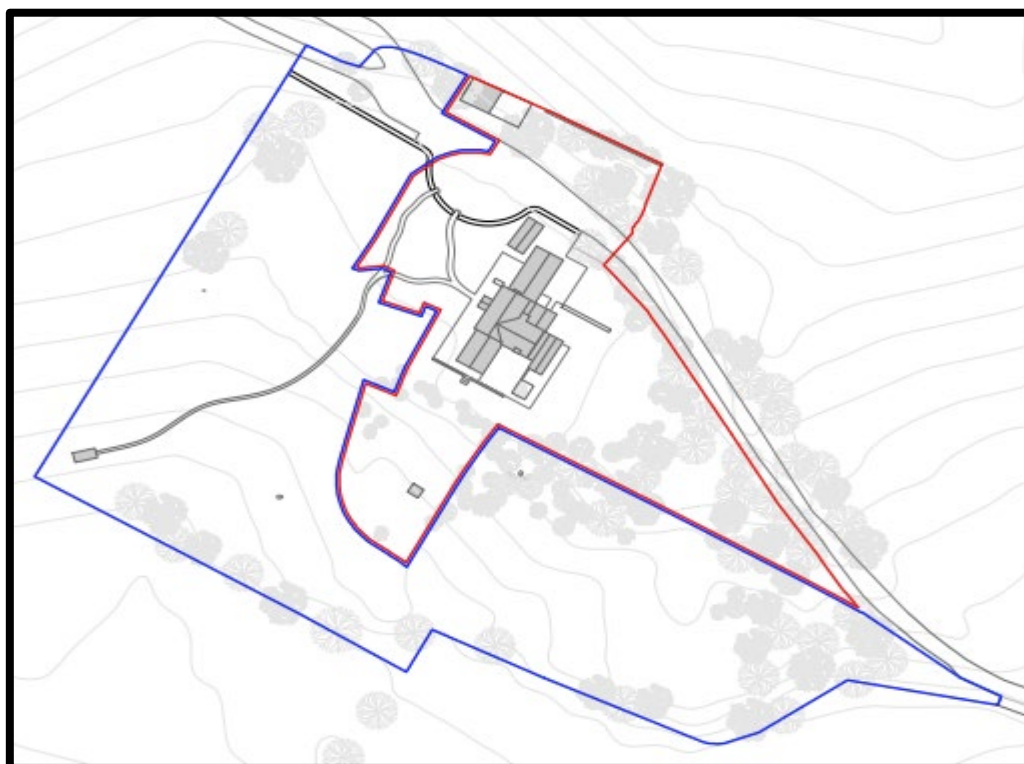
<b>Application Number</b>	PA/2023/0821
<b>Location</b>	Little Coombe, Little Coombe, Hastingleigh, TN25 5JB
<b>Grid Reference</b>	Easting 608826, Northing 146053
<b>Parish Council</b>	Hastingleigh Parish Council
<b>Ward</b>	Bircholt Ward
<b>Application Description</b>	Proposed change of use of land and proposed annexe accommodation following demolition of existing outbuilding
<b>Applicant</b>	Mr Schneider and Tringham
<b>Agent</b>	Ms Beeken
<b>Site Area</b>	0.35 hectares

## **Introduction**

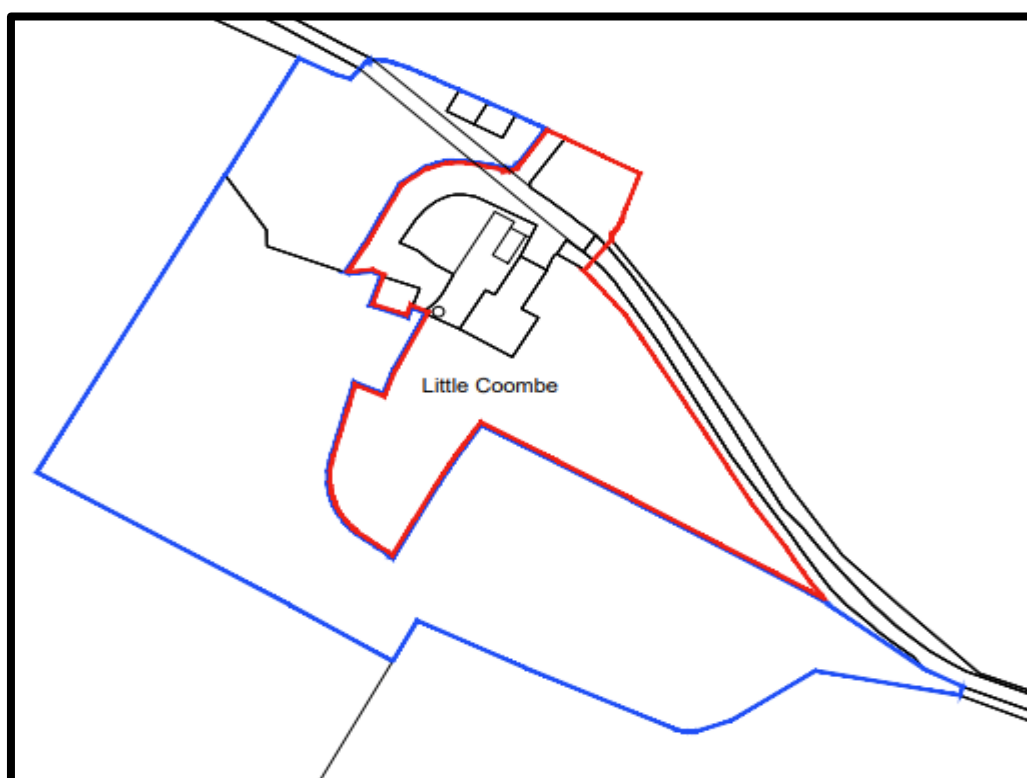
1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Simon Betty.

## **Site and Surroundings**

2. The site lies within the countryside and the North Downs AONB. It is located approximately 1.5 miles away from the Hastingleigh village centre and approximately 8 miles from Ashford town centre. The site lies to the eastern end of Little Coombe, a no-through road that adjoins Waltham Road. This access road is shared with Basque Close and Smeed Farm.
3. The site consists of the existing bull-pen building to the north-west of the main dwelling. The public right of way byway AE223 runs through the site and divides the dwelling from the outbuilding.
4. A site location plan is shown in Figure 1 below. For clarity, the extent of the existing residential curtilage follows as Figure 2.



**Figure 1:** Site Location Plan



**Figure 2:** Existing residential curtilage

## Proposal

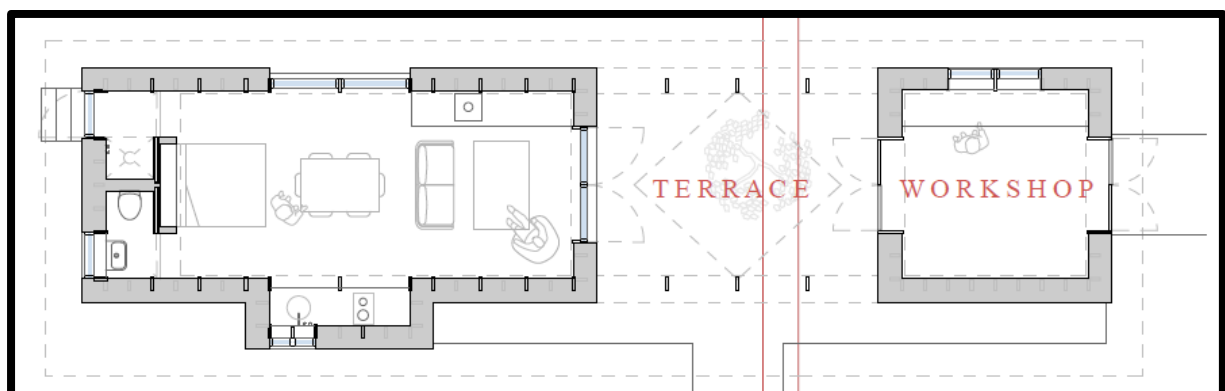
5. The application seeks planning permission for the change of use of approximately 210 square metres of land to residential and, thereafter, the

erection of a detached annexe outbuilding following the demolition of the existing outbuilding.

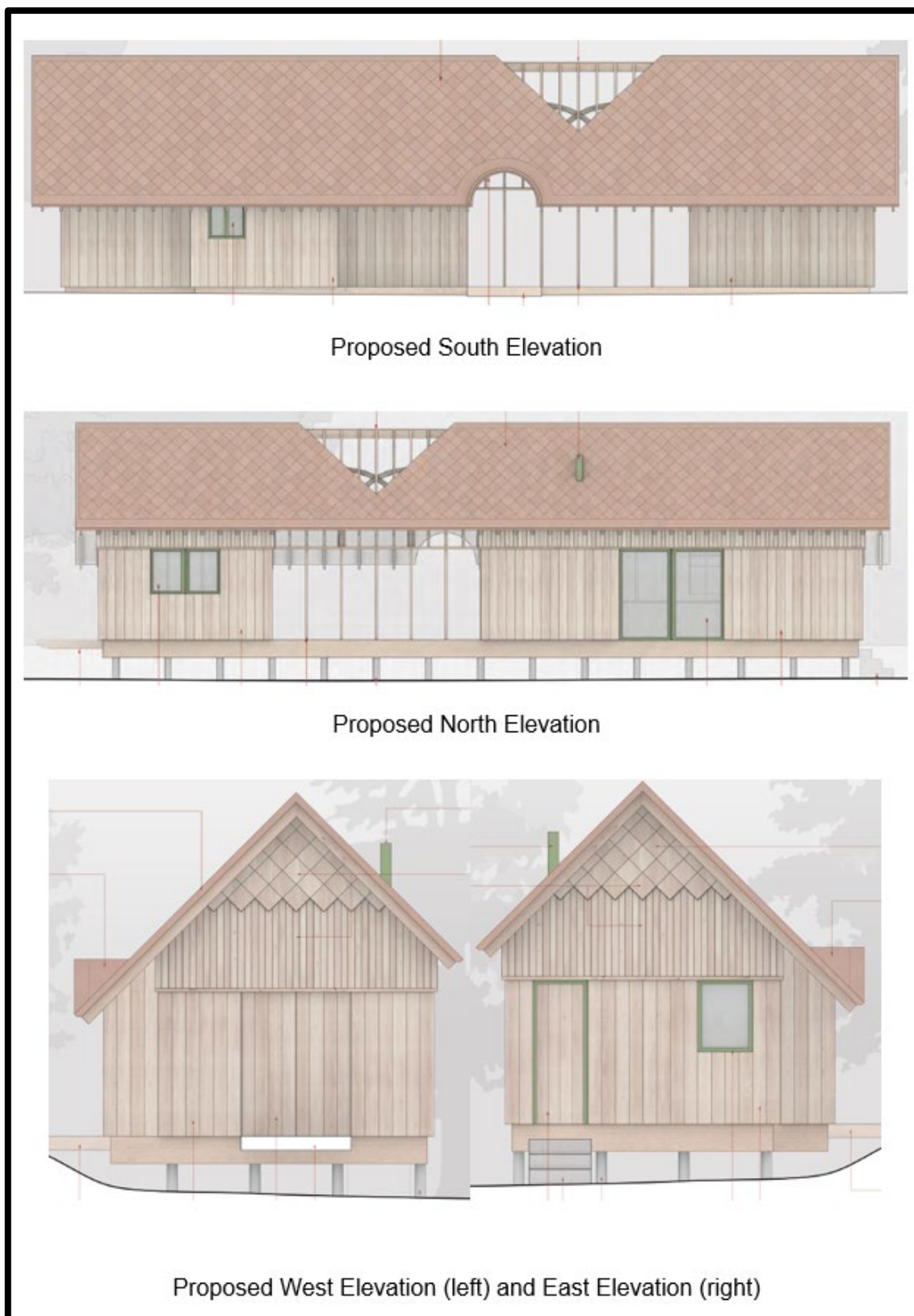
6. The outbuilding, which would serve as an annexe, providing occasional guest accommodation, and a workshop area, would have an approximate height of 5.9 metres and depth of 4.8 metres. Whilst it would have a total width of 17.6 metres, this would account for the annexe, the workshop and the central terrace space.
7. The outbuilding would be constructed with timber cladding and zinc shingle roof tiles.



**Figure 3:** Proposed Site Plan



**Figure 4:** Proposed Floor Plan



**Figure 4:** Proposed Elevations

## Planning History

The relevant planning history is detailed below;

- **21/00019/PRE:** *(Pre-app advice) Proposal to extend the main house and build a new freestanding annexe - Raise Objection*
- **21/00105/PRE:** *(Pre-app advice) Proposal to extend the main house and build a new freestanding annexe - Raise Objection*
- **13/00505/AS:** *Proposed side extension including alterations and fenestration – Permit*
- **21/01239/AS:** *Erection of Conservatory, Erection of a Rear Extension; New Pergola; Alterations to the fenestration - Permit*

## Consultations

8. The application has been subject to formal statutory and non-statutory consultation comprising the display of a site notice, a press notice and notification letters sent to the properties in the vicinity of the application site.

- KCC Public Rights of Way – no objection raised subject to an informative.
- Kent Ramblers – did not comment.
- KCC Ecology – raised no objection subject to suitably worded conditions and informatives.

## Neighbours

4 letters of representations received objecting to the planning application and raising the following matters:

- Harm to the visual amenity of the AONB
- No justification for redevelopment of an old building
- The annexe could become an independent dwelling
- Safety risks to users of the byway
- Proximity to the site boundary
- Felling of a mature horse chestnut tree
- Harm to local ecology
- Overall scale and appearance of the annexe building
- Light pollution
- Harm to the AONB
- Inappropriate materials
- The development is not within the existing residential curtilage
- Insufficient water supply
- Highway safety

Councillor Simon Betty – requested that the application was determined at planning committee.

Hastingleigh Parish Council – expressed concerns over the increase in traffic and whether the proposal meets policy HOU9. Further concerns were raised that no parking is shown and that the application is a second application for over-night accommodation.

## **Planning Policy**

9. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
11. The Local Plan polices relevant to this application are as follows:
  - SP1 Strategic Objectives
  - SP6 Promoting High Quality Design
  - HOU9 Standalone Annexes
  - ENV1 Biodiversity
  - ENV3b Landscape Character and Design in the AONB's
  - ENV4 Light pollution and promoting dark skies
  - TRA3a Parking Standards for Residential Development
12. The following are also material considerations to the determination of this application:-

## **Supplementary Planning Guidance/Documents**

- Dark Skies SPD, 2014
- Residential Parking and Design Guidance SPD, 2010
- Landscape Character SPD, 2010
- Kent Downs AONB Management Plan 2021

## **Government Advice**

- National Planning Policy Framework (NPPF) 2023

- Planning Practice Guidance

## **ASSESSMENT**

13. The key areas for consideration in the assessment of this application are as follows:

- Legal Position
- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Impact on Highways
- Impact on Ecology

## **Legal Position**

14. Before this application can be assessed, regard must be had for the legal position of what is being proposed.
15. The proposed annexe and workshop building has been designed as a building which would be used in association with the existing dwelling. Owing to the proposed change of use of land to residential, it would be sited within the curtilage of the main dwellinghouse 'Little Coombe' and would share the same access, parking and amenity areas. At its closest point, the building would be sited approximately 15.8 metres from the main dwelling, however, it would be separated from the main dwelling by the public byway which divides the site.
16. The proposed building would provide some of the day-to-day facilities typically provided within a self-contained dwelling and, as such, regard must be had for whether the proposal is tantamount to the creation of a new dwelling and whether a new, separate, planning unit would be created (constituting a change of use).
17. There is much case law which deals with this question, perhaps most prominently Uttlesford DC V SOS and White 1992. Numerous other cases have relied on and, to some extent, expanded upon the considerations within this case, which have been taken into account.
18. Whether the use of an annexe would be incidental or form a new, separate, planning unit is a matter of fact and degree, with the separateness and independence of the residential accommodation being key to the decision. The considerations which are typically given weight in such an assessment include: who would occupy the building; the day-to-day facilities that the building would provide; its physical relationship with the main dwelling; whether there is independent access; whether the building would share utilities with the main dwelling; whether the building would have separate Council Tax; and the appearance and scale of the building, partly in relation to the main dwelling.

These considerations, and any other material considerations which arise, must be balanced to reach a natural conclusion.

19. S124(1) of the Localism Act 2011 inserted new sections 171BA, 171BB and 171BC into the 1990 Act to allow enforcement action in England to be taken against a breach of planning control when the time limits for taking action have expired and the breach has been concealed. The applicant has been asked to provide information which will be taken into account in assessing this application. Should the building be subsequently used in a manner which is contrary to the information received and amounting to a material change of use, it is considered that this could constitute concealment and enforcement action could be taken, even beyond the four-year time limit. Regard has been had to the R (Welwyn Hatfield BC) v SoS 06/04/2011 case.
20. In this instance, the building would contain most of the day-to-day facilities typically provided within a house, including a bedroom, a living/dining area, a WC room and shower room (separated) and a small kitchenette comprising a sink and hob. The applicant has, however, clearly demonstrated that the annexe would be dependent on the principal dwelling for its kitchen facilities and the proposed floor plan (drawing number A 100, received on 09/08/2023) clearly shows this. The applicant has confirmed that it would provide occasional guest accommodation.
21. The building would continue to be detached from the main dwelling, however, owing to its overall scale, design and materials, it would clearly represent a subservient addition to the host dwelling. Furthermore, whilst it would benefit from its own external access, it would share the same site access as the host dwelling.
22. Therefore, having regard for all of the facts of the case, and having regard for the Uttlesford DC V SoS and White 1992 case, it is considered that the building would be ancillary to the enjoyment of the dwelling house.

### **Principle of development**

23. The assessment under the section 'Legal Position' sets out that the proposed development would represent ancillary accommodation. Therefore, the following principle of development sets out the relevant policies to this application and the weight to be had to them for the assessment of this proposal.
24. Policy HOU9 states that "*proposals for detached annexe accommodation to residential property will be permitted where:*
  - a) *The existing dwelling\* enjoys a lawful residential use;*
  - b) *The proposed annexe would not materially harm any neighbouring uses, including the living conditions of nearby residents;*



- c) *The proposed annexe is suitable in size, scale and materials and clearly ancillary and visually subordinate to the principal dwelling;*
  - d) *It is sited to achieve a clear dependency is retained between the annexe and the main building at all times and;*
  - e) *The annex is sited to ensure a clear dependency is retained between the annex and the main building at all times;*
  - f) *The proposed annexe is designed to ensure it does not result in significant harm to the overall character and appearance of the surrounding area taking into account the surrounding built form and street scene.*
25. Policy ENV3b states that “*all proposals within or affecting the setting of AONB’s will also only be permitted under the following circumstances:*”
- a) *The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.*
  - b) *The development would enhance the special qualities, distinctive character and tranquillity of the AONB.*
  - c) *The development has regard to the relevant AONB management plan and any associated guidance.*
  - d) *The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the AONB.*
26. In light of the requirements set out above, and the argument made in the previous Legal Position section, the principle of annexe in this location is considered to be acceptable, subject to the following site-specific considerations;
- Visual Amenity & Landscape,
  - Residential Amenity,
  - Highway Safety,
  - Ecology.

### **Visual Amenity & Landscape**

27. Local Plan policy SP6 seeks to ensure that new development is of high quality design and development should adhere to the set of design criteria listed in the policy. New development should also show how it responds positively to local design guidance.
28. Having regard to the above, it is considered that the design of the proposed development would be of an appropriate standard and, owing to the use of natural materials, including timber and zinc, would be consistent with the rural nature of the site and the wider area.
29. It is, however, noted that the site is located within the North Downs AONB, where significant weight is given to conservation and enhancement. In this

instance, owing to the screening provided by the existing trees and hedges which act as natural boundary treatments, views of the outbuilding from outside of the application site would be limited.

30. Overall, given the design, materials and siting of the proposed building, it is considered that the proposal would conserve the mixed farmland character of the AONB and therefore would not be detrimental to the character and appearance of the wider surroundings.
31. Furthermore, it is appreciated that the proposed outbuilding would not encroach into the surrounding open countryside and would utilise part of the site that is currently occupied by a derelict building which, itself, neither enhances or conserves the surrounding AONB. By way of comparison, the proposed building would be raised from the ground by steel screw piles to give the building a floating effect when read in conjunction with the surrounding native shrubs and wildflowers.
32. Finally, regard must be had for the public right of way which divides the site. Whilst the outbuilding would be highly prominent from the public right of way, given the overall scale and design of the building, it would not detract from the visual amenity of the immediate area.
33. In light of the above assessment, it is considered that the proposal would constitute a well-designed addition to the site that would not represent an incongruous addition to the site or the wider AONB surroundings. Therefore, the proposal would comply with policies SP6, HOU9 and ENV3b of the Local Plan and paragraph 176 of the National Planning Policy Framework 2023.

### **Residential Amenity**

34. Given the spatial relationship between the site and its neighbouring properties, it is not considered that the development would result in unacceptable levels of harm to the residential amenity in terms of loss of privacy, loss of light, overbearing impacts or sense of enclosure. It is therefore considered that the proposal would not cause harm to the residential amenity of the neighbouring occupants and, as a result, the proposed development would comply with Policy HOU9 in terms of residential amenity.

### **Impact on Highways**

35. The provision of the annexe would constitute the creation of an additional bedroom at the site, however, the proposed block plan (drawing number E101, received on 15/06/2023) clearly shows that two new parking spaces would be provided in conjunction with the outbuilding. Furthermore, from the case officer site visit, it was apparent that the site currently has ample parking space, which would not obstruct the public byway which divides the site. As such, it is considered that the proposal would not amount to any concerns regarding parking at the site.

36. Furthermore, no changes are proposed to the existing site access and the annexe/outbuilding would be served from the existing access road. It is noted that concerns were made regarding an increase in traffic and the impact on the highway network, however, given the nature of the proposal, it is not considered that the development would amount in a significant increase in traffic.
37. In light of the above, it is considered that the proposal would not be of detriment to the highway safety of the site, or the surrounding road network.

### **Impact on Ecology and Trees**

38. The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Local Plan policy ENV1 states that proposals that conserve or enhance biodiversity will be supported. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.
39. The site lies within a rural location and, therefore, contains significant features to support wildlife. In response, the application has been supported by a Preliminary Ecological Appraisal. Following consultation with KCC Ecology, it was concluded that sufficient ecological information has been provided. The Preliminary Ecological Appraisal demonstrated that there is limited potential for protected species to occur, nor for any harmful impacts on designated sites for nature conservation, ancient woodland or priority/S41 habitats. It was therefore concluded that no further information was required at this stage.
40. In conclusion, the site's ecological value has been taken into consideration, and no significant species or habitats require further consideration at this stage. Therefore, in light of the above, the impact on ecology is considered acceptable. Suitably worded conditions and planning informatives could be attached to secure the recommendations made within the report.
41. Additionally, it is noted that the erection of the outbuilding would see the removal of a mature horse chestnut tree. In response, the applicant has confirmed that two 10-12cm girth native trees would be planted, and this would be secured by condition. Therefore, whilst it is recognised that a mature tree would be removed, this loss would be suitably mitigated by the planting of two replacement trees.

### **Human Rights Issues**

42. 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).

## **Conclusion**

43. In light of the above assessment, the proposal complies with the Development Plan without causing any unacceptable harm in terms of visual amenity, landscape, residential amenity, highway safety or ecology. As such, it is recommended that planning permission is granted, subject to conditions.

## **Recommendation**

### **Permit**

**Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.**

1. 3-year standard condition
2. Approved Plans
3. Materials
4. Restriction of outbuilding use
5. Landscaping Plan
6. Precautionary Measures for Bats
7. Precautionary Working Measures During Construction
8. Protection of Retained Habitats
9. Lighting and Biodiversity
10. Biodiversity Enhancements

## **Notes to Applicant**

1. Working with the Applicant
2. Climate Change Guidance
3. Breeding Bird Informative

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference PA/2023/0821)

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