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| <b>Application Number</b>      | <b>PA/2022/3091</b>   |
| <b>Location</b>                | Land at Oaklands Farm, Pluckley Road, Hothfield, Ashford, TN26 1ER  |
| <b>Grid Reference</b>          | 595720 (Easting) 143639 (Northing)  |
| <b>Parish Council</b>          | Hothfield   |
| <b>Ward</b>                    | Weald North   |
| <b>Application Description</b> | Change of use of land and construction of one agricultural dwelling, revised highways access, hard and soft landscaping and including packaged treatment plant and nutrient mitigation works. |
| <b>Applicant</b>               | Mr Howard, Bockhanger Farms Limited   |
| <b>Agent</b>                   | Judge Architects Ltd  |
| <b>Site Area</b>               | 0.94 hectares (~2.32 acres)   |

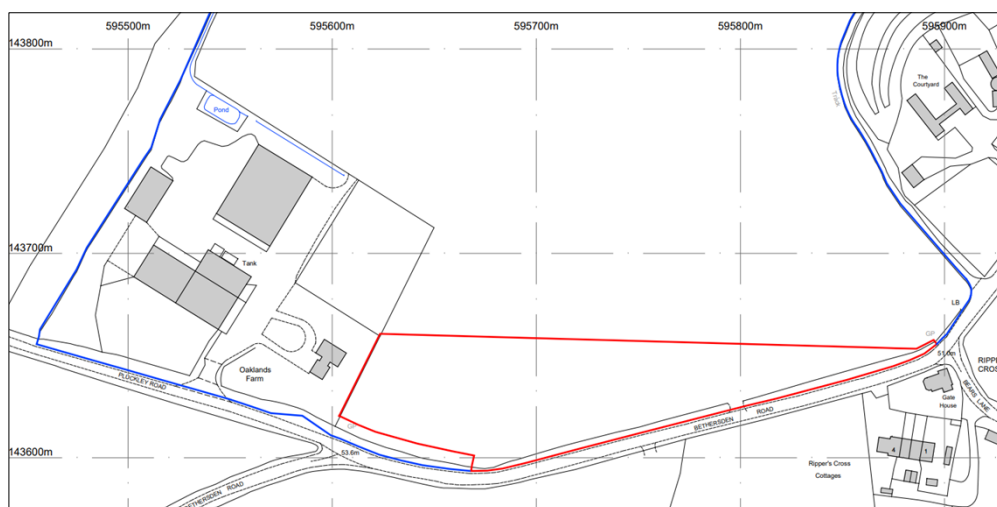
## Introduction

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

## Site and Surroundings

2. The application comprises agricultural land at Oaklands Farm in Hothfield. The site is located on the northern side of Pluckley Road and is situated between the junctions with Bethersden Road/Fridd Lane and Bears Lane.
3. Oaklands Farm is the operational base for Bockhanger Farms Ltd which is a fourth generation family owned and run business. An area of approximately 760 acres is actively farmed by the family with the main enterprise being arable and permanent pasture with summer grazing of cattle and contract rearing of up to 400 ewe lambs.
4. The site is located to the southwest of the centre of Hothfield, approximately 1770m (1.1 miles) away. The site is located in the countryside in a designated Landscape Character Area. The Stour Valley Walk passes in front of the site along Pluckley Road.
5. There is designated Ancient Woodland (Newlands Wood) to the south of the site, beyond Pluckley Road, that is located approximately 175m away.
6. The site is in Flood Zone 1 and this has the lowest risk of flooding.

7. The site is located within the Stour catchment.



**Figure 1: Site Location Plan**

## Proposal

8. Planning permission is sought for proposed change of use of land and erection of one agricultural dwelling, together with revised highways access, hard and soft landscaping, packaged treatment plant and nutrient mitigation works.
9. The proposed dwelling would have an 'L' shaped footprint and would appear as a chalet bungalow. The proposed external facing materials would include red multi-stock bricks, plain clay tiles, white uPVC windows/doors, grey PPC aluminium roof lights and black uPVC rainwater goods. The proposed new dwelling would include pv solar panels on the southern and western roof slopes and an electric vehicle charging point.
10. The proposed dwelling would comprise of an open plan kitchen / dining / living room, utility room, W.C, office, master bedroom and wet room on the ground floor, together with a separate 'working' entrance that would have access to a toilet and the integral garage. The first floor would include 3 bedrooms and a shower room.
11. The proposed dwelling would have garage parking for 2 cars as well as a driveway in front for any additional vehicles. The proposed dwelling would be accessed from an existing field gate along Pluckley Road. A new driveway would be created to provide access to the proposed dwelling. The existing roadside hedgerow would be retained and new tree planting is proposed across the site.
12. The proposal is supported by an Agricultural Justification Report.

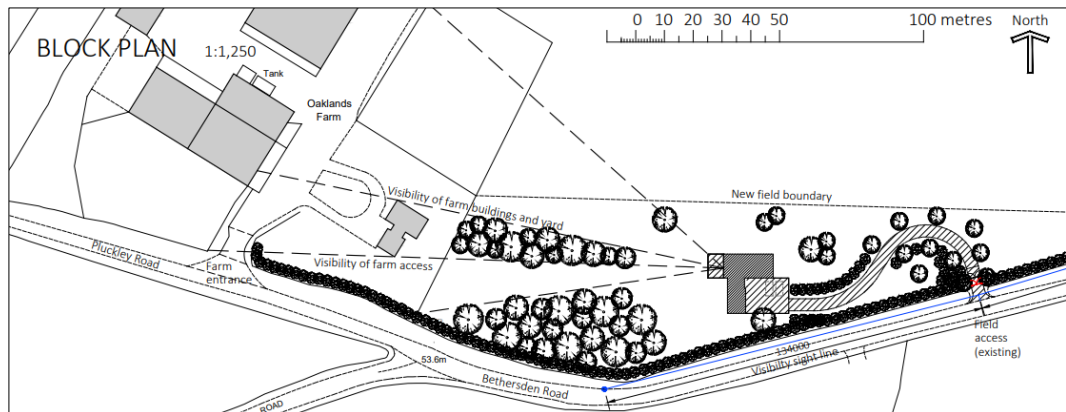


Figure 2: Proposed Block Plan

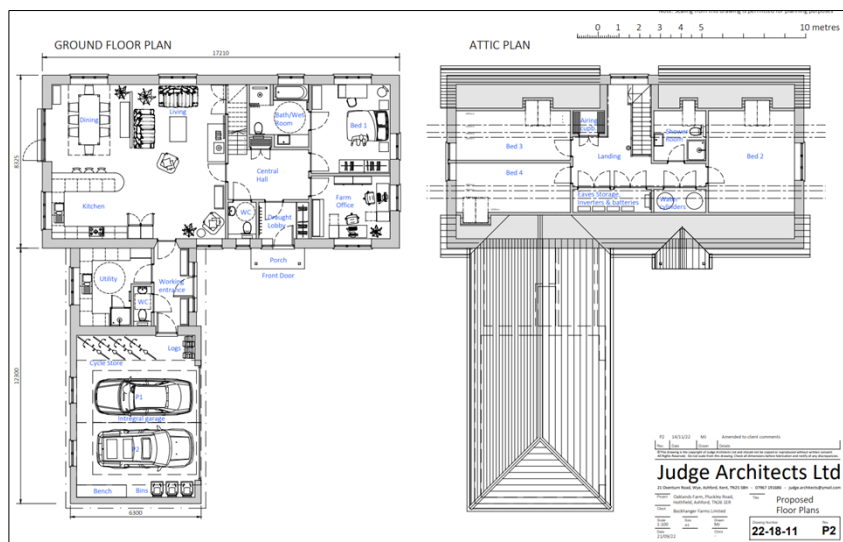


Figure 3: Proposed Ground and First Floor Plans

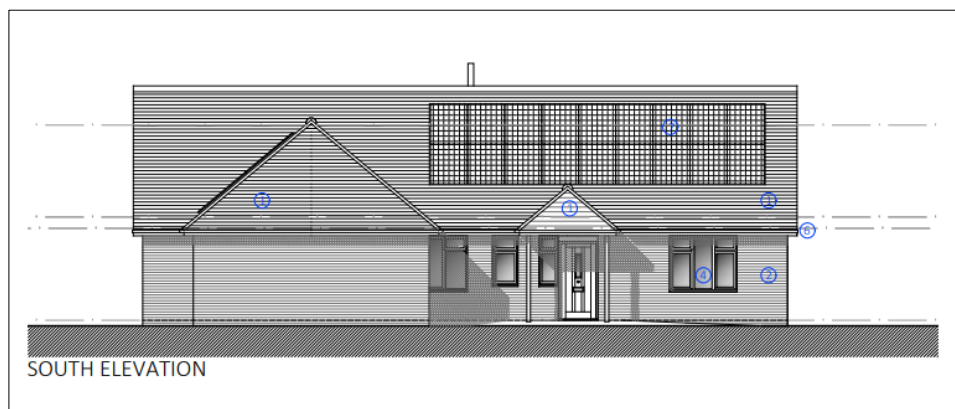
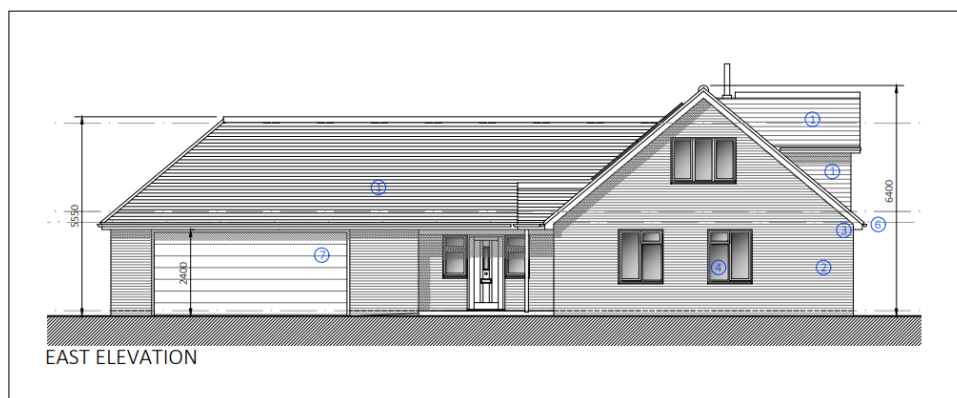
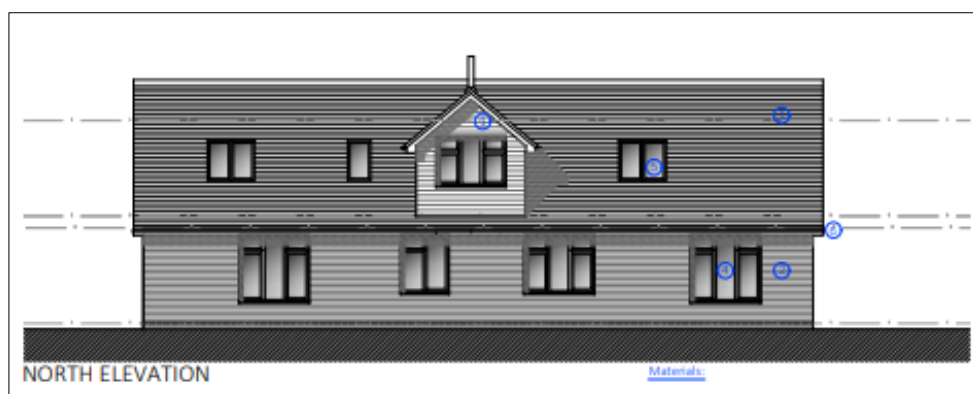


Figure 4: Proposed South Elevation (Facing Pluckley Road)



**Figure 5: Proposed East Elevation (Facing the driveway)**



**Figure 6: Proposed North Elevation (Facing the main field)**

## Planning History

17. **95/01126/AS** – New house and farm buildings including stock buildings. PERMIT.

Condition 2 of planning permission 95/01126/AS stated: “The occupation of the dwelling shall be limited to persons solely or mainly employed or last employed in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry or a widow or widower of such a person and to any resident dependents”.

18. **99/00112/AS** - Erection of building for the purpose of storing grain and general storage. COUNCIL IS CONTENT.
19. **04/01137/AS** – Extension to grain store building. PLANNING PERMISSION IS REQUIRED.
20. **04/01299/AS** - Proposed Agricultural or Forestry Related Development - Extension to grain store (Amended scheme) PRIOR APPROVAL NOT REQUIRED.

21. **06/02133/AS** - Steel framed general purpose agricultural building. COUNCIL IS CONTENT.

### Consultation

22. **Ward Member:** Cllr Bell has requested for the application to be determined at Planning Committee.
23. **Hothfield Parish Council:** Object. It is accepted that a separate dwelling is required however the conversion of existing agricultural land to domestic use so far from the existing property would lend itself to separation of the land from the farm and to further development in the future. Option 2 could be supported by as it would provide a better siting for the house or, if that was not possible, then a variation on option 2 that sited the house immediately adjacent to its proposed placement in option 2. An Occupancy Condition and or Agricultural Tie is required to prevent the property from being sold on separately from the farm. A no build clause is required to protect the land from future development.
24. **KCC Highways and Transportation:** No objections subject to conditions and informatives.
25. **Rural Advisor:** Support the need for an additional dwelling on the site.
26. **Neighbours:** 8 neighbours consulted; 2 letters of objection received raising the following matters:
- The house should be in the farmyard area
  - The distance from the farm buildings is a concern
  - Why is the house on productive food generating land?
  - There is existing infrastructure services available in the farm yard
  - Increased accidents due to new access after two routes merge (Bethersden and Pluckley)
  - Additional traffic on the lane
  - An additional farm house is needed in the short term but may get sold on in the future
  - Negative effects of increased building on green field sites in this area
  - Option 1 seems the least suitable, for the reasons given. For option 2, the current farmhouse is already in close proximity to the grain barn and, slightly less so, to the livestock shed
  - Machinery noise and smells are surely a feature of a farm and if the new dwelling was placed well back from the main access route, as is the current farmhouse, would there really be a problem?
  - Access does not have to be through the farmyard but could be located closer to the perimeter
  - The current farmhouse is on grazing land. If another section of the remainder is taken out of use, is there no other grazing area on the farm?
  - If use of the option 2 layout would block expansion in the future, this suggests that it's acceptable to take grazing land out for other purposes but

- not for a residential dwelling;. Equally option 4 suggests that it is perfectly acceptable to take land away from cereal cropping but not for grazing
- With regard to option 3, still with reasonable proximity to the farmyard, increased usage of the existing main access point is again felt to be problematic. Yet surely this is essential to working on the farm and this view somewhat undermines the 'agricultural' nature of the building
  - We appreciate that Rippers Cross Farm is felt to be the only location that will be visually affected but the way the planting is used here would also shield the new building
  - Option 4 is the furthest from the farmstead with a separate access drive
  - Would the 'nutrient mitigation' really not impact on the view of the farm buildings?
  - The cited clean field boundary would appear to be inherent in the other layout options as well
  - The building could become a stand-alone residence at some point in the future, so opening the door to further development.

27. Three letters of support have been received with the following comments:

- Being able to live on the farm is vital for farming operations and to prevent rural crimes, monitor crops and livestock etc
- A young farming family should be able to build a family home on their farm
- Having your family on site can significantly improve mental health
- Having family nearby means that critical jobs can be carried out by a number of people making it safer
- Encouraging the next generation into farming by living on site is vital to for long-term farming businesses
- Farming businesses are the lifeblood of rural communities and they need families to live and work onsite for a positive future.

## **Planning Policy**

28. The Development Plan for Ashford borough comprises:

- i. the Ashford Local Plan 2030 (adopted February 2019),
- ii. the Chilmington Green AAP (adopted July 2013),
- iii. the Wye Neighbourhood Plan (adopted March 2016),
- iv. the Pluckley Neighbourhood Plan (adopted April 2017),
- v. the Rolvenden Neighbourhood Plan (adopted December 2019),
- vi. the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
- vii. the Egerton Neighbourhood Plan (adopted March 2022)
- viii. the Charing Neighbourhood Plan (adopted July 2023)
- ix. the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

29. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:

- i. Tenterden Neighbourhood Plan currently at Examination stage in the plan making process.
  - ii. Pluckley Neighbourhood Plan Review currently at Examination stage in the plan making process.
  - iii. Aldington & Bonnington Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
30. The relevant policies from the Ashford Local Plan 2030 relating to this application are as follows:

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU15 - Private external open space

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 – Dark Skies

ENV7 - Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

TRA3a - Parking Standards for Residential Development

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

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

**Supplementary Planning Guidance/Documents**

Landscape Character SPD 2011

Residential Parking and Design SPD 2010

Residential Space and Layout SPD 2011 (now external space only)

Sustainable Drainage (SuDs) SPD 2010

Dark Skies SPD 2014

Climate Change Guidance 2023

### **Informal Design Guidance Notes**

Climate Change Guidance for Development Management 2022

### **Government Advice**

32. National Planning Policy Framework (NPPF) 2021

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

Paragraph 11 – Presumption in favour of sustainable development.

- Paragraph 47 – Determination in accordance with the development plan.
- Paragraph 82-84 – Rural housing.
- Paragraphs 108-113 – Promoting sustainable transport.
- Paragraphs 131-141 – Achieving well-designed and beautiful places.
- Paragraphs 157-179 – Meeting the challenge of climate change and flooding.

33. Planning Policy Guidance (PPG)

34. Technical Housing Standards – Nationally Described Space Standards

### **Assessment**

35. The main issues for consideration are:

- a) Background Information
- b) Principle
- c) Visual Impact and Character



- d) Living Environment (Future Users)
- e) Residential Amenity
- f) Highway Safety
- g) Sustainability
- h) Ecology
- i) Stodmarsh

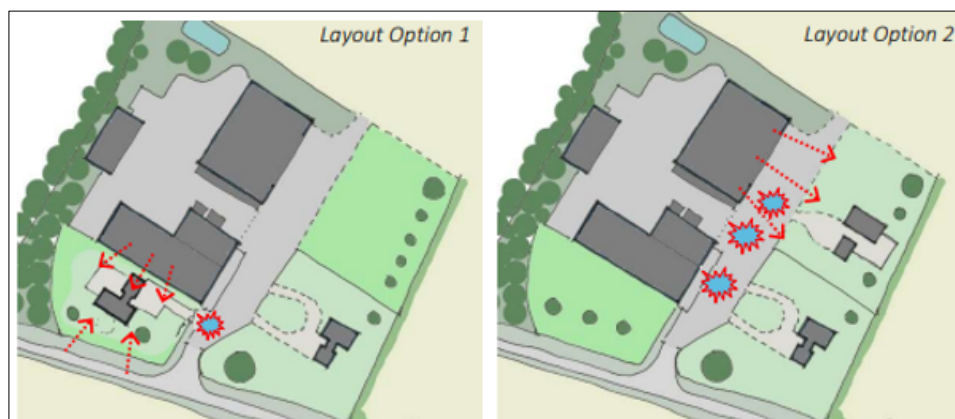
## Background Information

36. The existing farmstead is arranged off a single shared central access point from Pluckey Road and includes a grain barn, general purpose store, hay barn/machinery barn, livestock building, grazing area and the farmhouse. This is shown below in Figure 7.



**Figure 7: Arrangement of Existing Farmstead**

37. The application is accompanied by a Design and Access Statement where the applicant has presented four potential options. Layout Options 1 and 2 are shown below in Figure 8. Layout Option 1 includes the area of grazing land immediately to the west of the site entrance from Pluckley Road. This option has been discounted by the applicant on the basis of the noise, dust and proximity to the busy farm entrance. Layout Option 2 includes the area of grazing land to the immediate north of the existing farmhouse. This option has been discounted by the applicant due to proximity to the busy operational farmyard, noise, smells and to keep the land available for future growth/expansion of the farmstead.



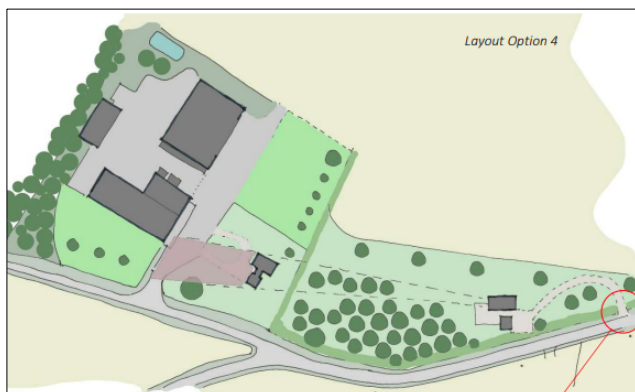
**Figure 8: Layout Options 1 and 2**

38. Layout Option 3 is shown below in Figure 9 and would involve locating the dwelling to the immediate east of the existing farmhouse with a separate access drive. This option has been discounted by the applicant due to the intensified shared use of the access, loss of amenity space for the existing farmhouse and impaired surveillance.



**Figure 9: Layout Option 3**

39. Layout Option 4 (proposal under consideration) is shown below in Figure 10 and would be separate from the main farmhouse and form the current application. This option would utilise an existing access in the field boundary with a driveway to approach the house rather than the existing farm entrance. The applicant has stated this option would allow for better surveillance and maintains a clean field boundary to assist with efficient crop production.



**Figure 10: Layout Option 4**

40. In summary, the logic presented in respect of discounting the layout options is debatable and is not considered justifiable. The applicant's primary grounds for rejecting Layout Options 1, 2, and 3 revolve around concerns related to noise, smells, access issues, and proximity to existing farm activities. However, these concerns should be examined within the specific context of the proposed development, which is a farmstead.
41. In considering the farmstead environment, it should be emphasised that such settings inherently involve agricultural activities. Occupants choosing to reside on a farmstead are expected to be acquainted with and tolerant of associated nuisances like noise, smells, and dust, as these aspects are integral to rural living [*my emphasis*]. The dismissal of options based on these factors overlooks the inherent nature of a farmstead.
42. Delving into the understanding of occupational hazards, farm workers residing on the site are presumably employed in agricultural operations, implying a familiarity with the specific challenges and conditions tied to farm life. Discounting options based on these factors underestimates the resilience and adaptability of individuals accustomed to the nuances of agricultural work.
43. Furthermore, the significance of amenity space, particularly in the rejection of Layout Option 3 due to intensified shared access and the loss of amenity space for the existing farmhouse, merits critical evaluation. The shared access and proximity to existing structures are intrinsic characteristics of a farmstead setting rather than exceptional inconveniences. In respect of the layout option 4 (proposal under consideration) has been assessed in depth below.

## **Principle**

44. The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.

45. It is considered that the policies which are most important for determining the application are HOU5 and ENV3a.
46. Policy HOU5 applies to windfall housing sites outside the built settlement confines. It is a permissive policy and seeks to grant development outside the built confines but in a sustainable location with no significant ecological or landscape impacts. The application lies outside of built confines of Ashford and at a distance of approximately 2.6 miles (as the crow flies) from the edge of the settlement and further away from the nearest facilities and services in Ashford. The site abuts a rural lane and lacks any footpaths or streetlights. Therefore, by virtue of the lack of convenience of walking and cycling routes, the occupants of the dwelling would be heavily reliant on private car for their day to day facilities and services. In conclusion, the proposed dwelling would lie in an unsustainable location. Regard must be had to whether the proposal would meet any of the exceptions listed under the part two of policy HOU5.
47. The general emphasis of part two of Policy HOU5 is that residential development elsewhere in the countryside should be resisted unless it meets one of the following:
  - Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
  - Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
  - A dwelling that is of exceptional quality or innovative design which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
  - A replacement dwelling, in line with policy HOU7 of this Local Plan;
49. The proposed development relates to an additional agricultural dwelling at Oaklands Farm to serve the Bockhanger Farms Ltd business. The applicant has confirmed that the existing farmhouse is tied to the agricultural business, but the father is entitled to live in this house in his retirement. Therefore, this has been presented as the basis for another dwelling for the owner's son's family in this rural location. It is therefore felt relevant to discuss the matter in-depth and establish whether the argument presented carries weight in the decision making process.
50. The revised Framework at paragraph 84 allows for isolated homes in the countryside where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. As established above, the site lies in a highly unsustainable location and is isolated from the day to day facilities and services.

51. There is a consistent approach across the Planning Inspectorate which requires the following to be taken into consideration whilst assessing the case for a rural worker's dwelling.
1. Whether there is an essential need for a dwelling to accommodate a rural worker
  2. Whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work.
  3. Is it necessary for a worker to live at or near their place of work in order for that work/enterprise to function properly?
  4. Is the work/enterprise in question likely to endure in the long term? (i.e. is there a significant risk that the enterprise might cease in the near future, leaving behind a new dwelling that would not otherwise have been approved?)
52. The Planning Inspectorate guidance further advises to take into account whether a worker needs to be on or near the site at most times, including the night – i.e. outside of regular hours of work. It also requires the submission of evidence to demonstrate that other measures have been considered such as automatic alarms in the event of power failure etc. Further to this, the applicant is required to sufficiently demonstrate the adverse effects that might arise if a worker were not present at most times and how serious these effects might be i.e. could their absence on the site materially affect the functioning of the enterprise or the viability of the business.
53. The applicant has submitted an Agricultural Justification Report (dated December 2022) as part of their proposal. This Report explains the need for the additional agricultural dwelling and provides a functional assessment relating to the arable and livestock enterprises. The applicant has also submitted financial information to support their proposal including farm accounts (for the 3 year period ending 31/12/2021) and trading accounts. In terms of financial viability and sustainability, it is understood that the farm business has been established for over 50 years and has developed and expanded over these years. The submitted information demonstrates a healthy farm operating profit for each of the 3 years.

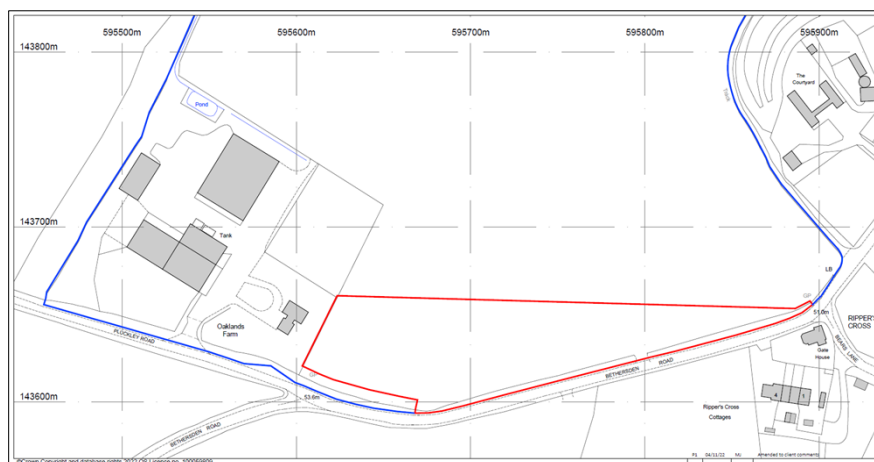


Figure 11: Site Location Plan

54. Whilst the existing business is profitable and there is a desire for the applicant's son's family to move permanently to reside in this location, it is not considered that this constitutes sufficient justification for a new dwelling (second dwelling) on the site. Furthermore, the application site is disjointed from the working farmstead and would not lie within the existing cluster of buildings associated with the existing business (as shown in figure 11 above).
55. Notwithstanding the lack of robust justification for a second dwelling to serve the existing farm business, in the event that it was established that there is a need for a worker to live at or near the site, it is necessary to first consider whether there is existing accommodation in the area that might reasonably meet the need. Further to this, the guidance also requires the size of the dwelling to be proportionate for the intended purpose i.e. appropriate to the essential need and not be unnecessarily large. In contrast, the proposal would result in the creation of a substantial domestic building (approximately 250sqm), with an uncharacteristically large residential curtilage as shown above at figure 11 (measuring 2.32 acres ~ 9,388 sqm).
56. In summary, there is no compelling justification in this case for granting permission for a dwelling of this scale with an expansive curtilage on the basis that the proposed dwelling is essential to meet the needs of the agricultural holding. As explained above, there is an existing dwelling on the site to serve the existing business. The applicant has not sought to consider the possibility of extending the existing farmhouse or even having an annex within its existing curtilage where the owner's son could live if need be.
57. In conclusion, the functional need for an additional dwelling on the site has not been satisfactorily demonstrated in line with the requirements of local and national policy, namely Policy HOU5 and NPPF Paragraph 84.

### **Visual Impact and Character**

58. Strategic Policies SP1 and SP6 require high quality design in new developments. Policy HOU5 seeks to deliver development that is well designed. It should sit sympathetically within the wider landscape and be consistent with local character and built form, including scale, bulk and the materials used. Policy ENV3a states that proposals shall have regard to the landscape significance of the site.
59. NPPF Paragraph 135 states that planning policies and decisions should ensure that developments add to the overall quality of the area. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should also be sympathetic to local character, including the surrounding built environment and landscape setting.
60. NPPF Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by: (b) recognising the intrinsic character and beauty of the countryside.

61. The area is strongly rural in character. Built development is very limited comprising small clusters of buildings and cottages partially screened by trees and hedgerows. The application site lies in an exposed location with no development screening the site. As such by virtue of its exposed location, it is highly prominent in short range and long range views from the wider landscape. The site is located in the Dering Wooded Farmlands Landscape Character Area and, overall, the landscape has a moderate sensitivity. This area is characterised by a gently undulating landform and the landscape is well wooded, proving an enclosed character which limits the extent of views. The land is predominantly intensively farmed, within open and extensive fields enclosed by woodland blocks and hedgerows. There are scattered isolated oak trees located across the open fields.
62. The site forms part of an existing arable field and is set behind an established roadside hedgerow that is interspersed with individual trees. The hedgerow provides strong local distinctiveness and continuity throughout the area. Bethersden Road/Fridd Lane runs in front of the site and joins Pluckley Road where the main farmstead with its large, modern agricultural buildings are located. Bethersden Road/Fridd Lane is narrow in width and has grass verges on either side with no designated footpaths or street lighting.
63. The proposal would introduce built development and domestication to a prominent, verdant, and undisturbed part of the countryside. The proposed dwelling would be particularly evident when travelling southwards along Bethersden Road/Fridd Lane where the Stour Valley Walk connects the Public Rights of Way (Public Footpath AW171 to the east and Byway AW357 to the west). The proposed dwelling would be excessive in size and scale with an extensive and unjustified area of residential curtilage. Given the scale and siting of the proposed dwelling, views of the dwelling would be readily achievable from the highway and the wider countryside. These views would include the proposed dwelling which would be seen together with a range of domestic paraphernalia such as hardsurfacing (a large parking courtyard, curved driveway), fences, walls, gates etc, all of which would jar with the relatively unspoilt rural setting and would have sub-urbanising effect on the immediate area to the detriment of the rural character and appearance of the immediate area. The visual impact of the development is exacerbated by the scale of the development, producing a prominent and dominant form of development which would be visually intrusive and at odds with the prevailing character of the area and harmful to the character and appearance of the countryside.
64. In conclusion, it is considered that the development would erode the character of this part of the countryside, introducing a suburban form of development which would fail to respect or respond to its setting and fail to integrate into the natural and built environment or reinforce local distinctiveness. Therefore, the proposed development would be contrary to policies SP1, SP6 and ENV3a of Ashford Local Plan 2030. Finally, it would be contrary to paragraph 180 of the NPPF which requires the planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

### **Living Environment (Future Users)**

65. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings. Policy HOU15 refers to the provision of private useable external open space for new dwellings.
66. NPPF Paragraph 135(f) requires for development to achieve a high standard of amenity for existing and future users.
67. The proposed dwelling would comprise a chalet bungalow. The ground floor would include an open plan kitchen/living/dining area, utility room, W.C, office, master bedroom with bathroom and integrated double garage. The first floor would include 3 bedrooms and a shower room that would all be contained within the eaves.
68. The proposed development would comply with the Nationally Described Space Standards in terms of the internal living environment for a 4 bedroom / 6 person dwelling (across 2 storeys). The bedrooms would exceed the minimum required rooms sizes (NB: 7.5sqm for a single bedroom and 11.5sqm for a double bedroom) and the combined kitchen, living and dining areas would be in excess of the standards set out in the Council's Residential Space and Layout SPD. With this in mind, the internal living environment is considered acceptable.
69. In terms of the external living environment, the rear garden of the proposed development would comply with the minimum 10m depth requirement specified under Policy HOU15 and the Council's Residential Space and Layout SPD, and is also considered acceptable. Given the location of the proposal it is recommended that a condition be imposed to ensure that the rear garden/lawn area remains open where possible and does not become enclosed by an inappropriate closed boarded timber fence that would appear out of character in the wider open landscape.
70. The proposal is considered acceptable from a living environment point of view and would comply with the aims and objectives of Policies SP1, SP6 and NPPF Paragraph 130(f).

### **Neighbouring Amenity**

71. Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings. Policy HOU5 states that proposals should not adversely impact on the neighbouring uses or amenity for nearby residents.
72. NPPF Paragraph 135(f) requires for development to achieve a high standard of amenity for existing users.
73. Given the siting of the proposed development in relation to the nearest neighbouring residents, it is considered there would not be any unacceptable harm to the amenities of the existing occupiers in terms of loss of daylight/sunlight, overshadowing, loss of privacy or overlooking. For the foregoing reasons, the proposal is considered acceptable in terms of the



residential amenity impact and would comply with the relevant policies in the Local Plan, specifically SP1 and SP6, together with NPPF Paragraph 130(f).

### **Highway Safety**

74. Policy TRA3a states that a 4 bedroom house should provide 3 parking spaces. Policy TRA7 states that proposals that would generate levels and types of traffic movements, including heavy goods vehicle traffic, beyond that which local roads could reasonably accommodate in terms of capacity and road safety will not be permitted.
75. Policy HOU5 states that developments should be safely accessed from the local road network and the traffic generated should be able to be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
76. NPPF Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
77. The proposed development would include a garage with space for 2 cars, as well as parking at the front for an additional 2 vehicles or more. There would be sufficient space for manoeuvring within the site so that vehicles could exit in a forward gear.
78. Secure cycle storage and a bin storage area would be provided within the integral garage. These matters could be secured by way of a condition.
79. There is an existing access to the site along Pluckley Road that would be utilised by the proposed development. The applicant has confirmed the existing gate would be replaced and set further back into the site to allow vehicles to pull off the highway and not cause any obstructions.
80. KCC Highways and Transportation have not raised any objections to the proposal subject to conditions and they are satisfied that adequate visibility splays can be achieved at the site (as shown on drawing no. 22-18-02 Rev P3). It is considered that the proposal would be unlikely to generate unacceptable levels of additional traffic along the rural lane given the fact it relates to a single dwelling only.
81. Taking all of the above into consideration, there are no objections from a parking or highways safety perspective subject to relevant conditions and the proposal would comply with Policies TRA3a, TRA7 and NPPF Paragraph 111 accordingly.

## Ecology

82. Strategic Policies SP1 and SP6 promote high quality design that conserves and enhances the Borough's natural environment. Policy ENV1 specifically states that proposals that conserve or enhance biodiversity will be supported and new development should identify and seek opportunities to incorporate and enhance biodiversity.
83. Paragraph 185 specifically refers to the protection and enhancement of biodiversity and Paragraph 186 states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
84. The proposed development would utilise an existing field access and would be located on undeveloped agricultural farmland that has historically been used for cereal cropping as part of the wider agricultural unit. The applicant has submitted a Protected Species Survey Assessment (dated 15/11/2022) as part of their proposal and this has identified that a Protected Species Survey is not required.
85. The proposal is accompanied by an indicative landscaping plan which includes wooded areas and areas with wildflower meadow. No biodiversity enhancements have been proposed as part of the proposal. Should permission be granted, suitably worded conditions could be attached requiring a submission of a formal landscaping plan, landscape management plan and a scheme of biodiversity enhancements for the site.
86. In conclusion, subject to conditions, the proposal is considered acceptable in terms of its impact on the ecology.

## Sustainability

87. Policy ENV10 relates to 'Renewable and Low Carbon Energy'. The preamble to this policy states that Local Planning Authorities are required to have a positive strategy to promote energy from renewable and low carbon sources as it helps ensure a secure more sustainable supply of energy that reduces carbon emissions minimising the impact of climate change (Paragraph 9.95). The Council has also recently published a Climate Change Guidance for Development Management (2023).
88. NPPF Paragraph 158 requires Local Planning Authorities to have a proactive strategy to mitigate and adapt to climate change within their Local Plans.
89. The proposed new dwelling would include solar panels and an electric vehicle charging point in line with the Council's recommended guidance. Whilst a water butt has not been shown on the submitted plans, this matter could be adequately dealt with by way of a planning condition.

90. Taking the above into consideration there are no objections from a sustainability perspective subject to appropriate conditions and the proposal would comply with the aims and objectives of Policy ENV10 and NPPF Paragraph 158.

### **Stodmarsh and Habitat Regulations Assessment**

91. Policy ENV1 states that any proposal capable of affecting designated interest features of European sites should be subject to Habitats Regulations Assessment screening. NPPF Paragraph 187 also refers to the protection of habitat sites.
92. Advice has been received from Natural England in respect of the nationally and internationally designated protected sites at Stodmarsh Lakes, east of Canterbury. This relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
93. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, subject to an Appropriate Assessment prior to any decision to grant planning permission.
94. The site falls within the Stour catchment area and it is proposed to dispose of foul sewage by a Package Treatment Plant. A Nutrient Neutrality Report (dated 18/11/2022) has been submitted as part of the proposal, together with additional supporting information including a Nutrient Balance Plan (drawing no. 22-18-04 Rev P1). It is proposed for nutrient mitigation to be secured through agricultural offsetting. A Habitat Regulations Assessment/Appropriate Assessment has been prepared and submitted to Natural England. Whilst Natural England has raised a concern about securing mitigation land which is private non-woodland schemes, it is concluded that the mitigation could be secured via a Section 106 legal agreement. However, in light of the fundamental concerns raised in respect of the proposal, the mitigation has not been secured. Therefore, as it stands, in the absence of a legal agreement to secure the nutrient mitigation, the proposal would be contrary to policy ENV1 and paragraph 187 of the NPPF.

### **Human Rights Issues**

95. 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**

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

## **Conclusion**

97. In conclusion, the development plan and national policy allows for accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside; however this is subject to the need being suitably justified and the proposal fails on this basis. The proposed development would also result in visual harm to the rural character of the surrounding landscape.
98. No unacceptable harm to residential amenity would result from this proposal and the development is acceptable in terms of highway safety, biodiversity and sustainability.

## **Recommendation**

### **Refuse**

#### **for the following reasons**

1. The proposed development, if permitted, would result in the creation of a new dwelling outside the built confines of any identified town or village within the Ashford Local Plan 2030, the need for which has not been demonstrated sufficiently to override normal restraint policies. It would constitute unsustainable unjustified residential development in this rural location resulting in additional vehicle movements and the need to travel by private car contrary to policies SP1, SP6 and HOU5 of the Ashford Local Plan (2030) and paragraphs 84, 108 and 109 of the National Planning Policy Framework (2023).
2. The proposal would result in an overtly domestic form of development within a rural location which would appear as an incongruous and intrusive feature, detrimental to the rural character and appearance of the countryside and the wider landscape. Therefore, it would be contrary to the aims and objectives of Policies SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 and paragraphs 135 and 180 of the National Planning Policy Framework (2023).
3. In the absence of a legal agreement to secure the nutrient mitigation, the Local Planning Authority is unable to rule out an adverse effect of the proposed

development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat, as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The proposal would therefore be harmful to matters of national and international ecological importance and contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), Policy ENV1 of the Ashford Local Plan 2030 and Paragraph 187 of the National Planning Policy Framework (2023).

### **Notes to Applicant**

1. Working with the Applicant
2. Refused plans 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/2022/3091)

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