

Planning Committee

Wednesday the 14th February 2024 at 7.00pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

6. Schedule of Applications

- (a) **PA/2022/2788 – Orchard Cottage, Tile Kiln Road, Kennington, Ashford, Kent TN24 9NT** - Demolition of existing barn and redevelopment of site to provide 5no. 2 bedroom terraced houses, 5no. 3 bedroom terraced and semi detached houses, 4no. 1 bedroom bungalows, car barn and associated parking and landscaping

During a recent site visit following the publication of the report, it was noted that the existing barn had already been demolished. Therefore, the description of the development will need to exclude the reference to the demolition of the existing barn.

The Council will not be seeking Section 106 contributions towards cemeteries.

NHS Kent and Medway (Primary Care Team) have confirmed that contributions will not be sought for this development.

The following projects have been confirmed by Kent County Council (KCC) in respect of infrastructure contributions.

Adult Social Care

£146.88 per dwelling (Indexation – BCIS General Build from April 2020)

Towards: Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi sensory facilities and changing place facilities in the vicinity of the development.

Community Learning

£16.42 per dwelling (Indexation – BCIS General Build from April 2020)

Towards: Contributions requested towards additional equipment and resources for Adult Education Centres locally

Libraries

£55.45 per dwelling (Indexation – BCIS General Build from April 2020)

Towards: Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area

Primary Education

£4535.00 per house (Indexation – Indexation: BCIS General Building Cost Index from Oct 2016)

Towards: new education places within the Ashford North Planning Group (including the new 2FE Primary school at Conningbrook Park) and/or within the neighbouring Planning Group of Ashford East.

Secondary Education

£4687.00 per house (Indexation – Indexation: BCIS General Building Cost Index from Oct 2016)

Towards: the provision of new secondary places at Chilmington Green and/or within the Planning Group

(b) PA/2022/3091 - Land at Oaklands Farm, Pluckley Road, Hothfield, Ashford, TN26 1ER - Change of use of land and construction of one agricultural workers dwelling, revised highways access, hard and soft landscaping and including packaged treatment plant and nutrient mitigation works.

This update seeks to further clarify the basis of the core reasons for refusal, including the 'unjustified dwelling in the countryside' and 'unacceptable impact on the landscape/countryside'.

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?)

The Planning Inspectorate (PINS) 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.

The applicant has not carried out this exercise; that is, the proposal lacks robust justification for a second dwelling associated with the farm business. Notably, the applicant's son has worked on the farm since 2003, yet it remains unclear where he and his family currently reside and whether not living on the farm has posed challenges over the last two decades. The critical question is whether the need for a second dwelling stems from operational necessity or personal preference. Although the retirement of the farm owner is significant, the focus remains on the functional requirements of the farm operation rather than personal or familial circumstances.

Nevertheless, even if an 'essential' need for the applicant to reside on-site 24/7 were acknowledged, it is crucial first to explore whether feasible alternative solutions exist that could meet the outlined needs without necessitating the erection of a new dwelling in the countryside. This includes technological interventions for the farm business or modifications to existing accommodation, such as extensions or the construction of an annex for the applicant's son's family. As apparent from the submitted plans, there is sufficient space on the site to accommodate a large extension and even an annex. However, Members will note that this option has not been explored by the applicant. Therefore, this goes back to the key consideration of this being a personal preference rather than an operational need [my emphasis]. Secondly, it is necessary to consider whether the scale of the proposed dwelling is proportionate to the need and its impact on the rural environment. As discussed at length in the officer report, the proposal, including the dwelling and the associated residential curtilage (equalling 2.32 acres of land), would cause unacceptable landscape harm and is not considered proportionate with respect to the need to reside in this location. In other words, a need for a 4-bedroom dwelling with a substantial residential curtilage detached from the existing farmstead, which would result in unacceptable landscape harm, is not considered proportionate and is therefore unacceptable.