

<b>Application Number</b>	19/01568/AS	
<b>Location</b>	Land between Belgic Court and 70 to 80, The Limes, Stanhope, Kent	
<b>Grid Reference</b>	00121/40439	
<b>Parish Council</b>	Central Ashford	
<b>Ward</b>	Roman Ward	
<b>Application Description</b>	Erection of boundary fencing (retrospective)	
<b>Applicant</b>	Mrs H Hayward for The Limes Community Garden	
<b>Agent</b>	N/A	
<b>Site Area</b>	0.25	
(a) 6/-	(b) S	(c)

## Introduction

1. This application is reported to the Planning Committee because Councillor Mrs Hayward is the ward member and is supporting the application for the Community Garden project.

## Site and Surroundings

2. The application site comprises an area of land Public Open Space which is directly to the rear of the residential properties known as 1-9 Belgic Court within The Limes in Ashford. Belgic Court is run by Kent County Council and provides assisted living accommodation. There is an area of trees and hedging immediately behind the fence.
3. To the rear and side of the Belgic Court properties is close board timber fencing with concrete posts.
4. Immediately in front of the site is an oval shaped, small, lawned traffic island.



Figure 1 - site location plan

## Proposal

5. Retrospective planning permission is sought for the erection of 2m high fencing and gates to enclose the land at the southern boundary adjacent to the Limes. The fencing also returns by approximately 2 panels to the eastern side of No 60 The Limes.
6. The fencing is a mesh system in a dark green colour.
7. Planning permission is required as the fencing is over 1m in height and is adjacent to a highway used by vehicular traffic.

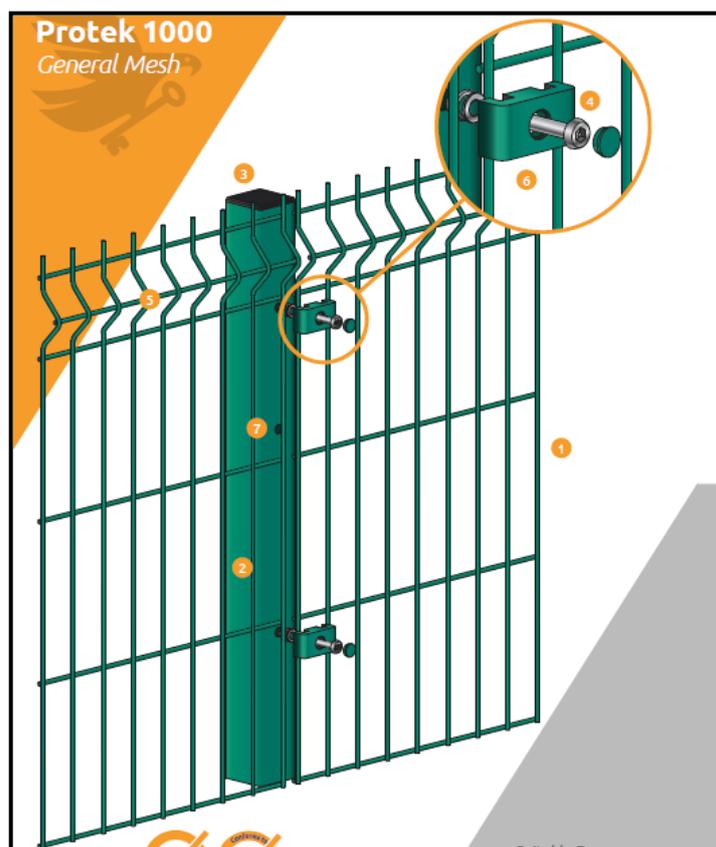


Figure 2 - Manufacturer's specification



Figure 3 - Site photograph from south of the traffic island

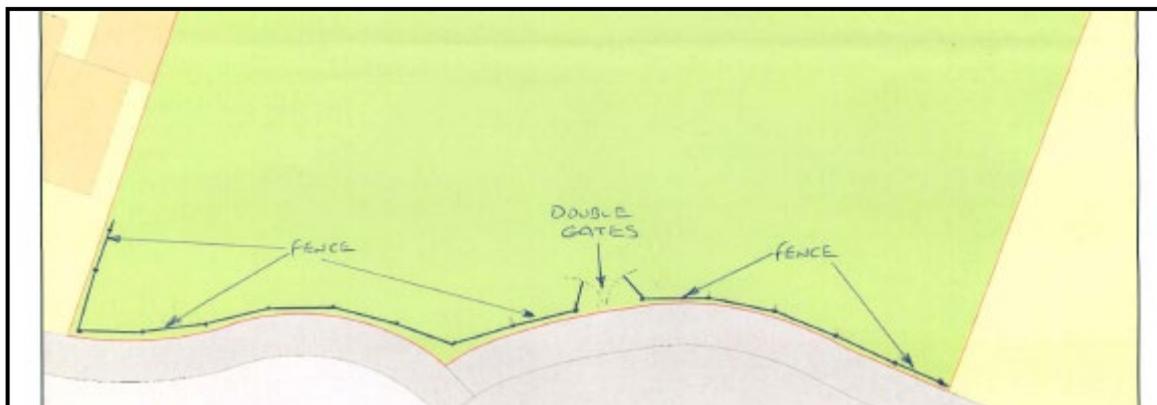


Figure 4 - Positioning of fencing/gates

## Planning History

8. There is no recent planning history.

## Consultations

**Ward Members:** no comments received

**Parish Council:** Fully support – fencing is a much needed addition to Community Garden; without it there will be fly tipping and vandalism

**Neighbours:** 6 neighbours consulted; no representations received at time of writing.

The deadline for representations is 13<sup>th</sup> December 2019 and I may need to update further at the meeting should representations be received.

## Planning Policy

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
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 relevant policies from the Local Plan relating to this application are as follows:-

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design

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

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). National Planning Policy Guidance (NPPG)

## **Assessment**

13. The main issues for consideration are:

- Visual amenity
- Residential amenity

### **Visual Amenity**

14. The fencing spans a length of approximately 43m to the front of the site and the green colour and mesh design results in an appearance and scale of enclosure which is acceptable in this locality.
15. The green colour blends well with the surrounding mature trees and the mesh design provides a more open feel than, for example, a close board fence.

### **Residential Amenity**

16. Given the nature of the development there would be no harm to residential amenity as a result of the development.

## Human Rights Issues

17. 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

18. 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

19. The objective of the development is to provide a form of enclosure to secure the Public Open Space and its eventual use as a community garden. The fencing is visually acceptable. There would be no harm to residential amenity. For the reasons above, I therefore recommend that the application be approved as it would accord with Development Plan policies.

## Recommendation

### Permit

Subject to the following Conditions and Notes:

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

1. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

## **Note to Applicant**

### **Working with the Applicant**

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 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 application was acceptable as submitted and no further assistance was required.
- 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](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 19/01568/AS)

**Contact Officer:** Sally Hodgson  
**Email:** [sally.hodgson@ashford.gov.uk](mailto:sally.hodgson@ashford.gov.uk)  
**Telephone:** (01233) 330724

Annex 1



# Ashford Borough Council



All rights reserved. Licence Number 100024427

This product includes mapping data from  
Ordnance Survey with the permission of the  
Controller of Her Majesty's Stationary Office ©  
Crown Copyright.  
All rights reserved.