

- vi. the Egerton Neighbourhood Plan (adopted March 2022)
- vii. the Charing Neighbourhood Plan (adopted July 2023)
- viii. the Pluckley Neighbourhood Plan Review 2023 (adopted July 2024)
- ix. the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

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

- i. Tenterden Neighbourhood Plan which has passed Referendum.
- ii. Aldington & Bonnington Neighbourhood Plan which has passed Referendum.

The relevant policies from the development plan are;

Ashford Local Plan 2030

SP1,
SP6,
HOU8,
TRA3a,
ENV3b.

Supplementary Planning Documents

Landscape Character SPD 2011
Residential Parking SPD 2010

Supplementary Planning Guidance

SPG9 Domestic Garages and Outbuildings in Urban and Rural Areas (adopted June 2004)
SPG10 Domestic Extensions in Urban and Rural Areas (adopted June 2004)
Kent Downs AONB Management Plan 2021-2026

Informal Design Guidance Notes

Climate Change Guidance for Development Management 2022

Government Guidance

National Planning Policy Framework 2024
Planning Practice Guidance

Consultations

Brook Parish Council

No representations were received.

Neighbour Consultations

There were 8 neighbours consulted on this case but no letters of representation were received.

Assessment

The main considerations in the assessment of this application are;

- Principle,
- Visual Amenity,
- Residential Amenity,
- Highway Safety and Parking.

Principle

The application proposes to extend the existing residential property, within the established residential curtilage. The proposal would therefore constitute householder development and is therefore considered to be acceptable in principle, despite the application site falling outside of the built confines. The main issues to consider in the determination of this application are visual amenity, residential amenity and highway safety.

Visual Amenity

The existing dwelling is set back from the highway by approximately 14 metres and largely screened from view within the street scene by the mature hedgerows that line the highway. As a result, the site is considered to be of low visual prominence, making little contribution to the wider character and appearance of the street scene.

The infill extension would be sited behind the carport which itself is largely screened by the birch tree to the southeast of the site. As such, it would not be readily visible within the public realm. Furthermore, the extension would be constructed using materials to match the existing dwelling, thus ensuring that the proposed extension represents a coherent continuation of the existing dwelling.

Overall, it is considered that the proposal would comply with policy HOU8 in terms of visual amenity.

Residential Amenity

Given the single-storey nature of the proposal, its minor scale, and the spatial relationship between the application site and the neighbouring properties, 1 Woodpecker Cottage to the east and Windsor House to the northwest, it is considered that the development would not result in unacceptable levels of harm to the residential amenity in terms of loss of light, overlooking, overbearing impacts or sense of enclosure. The proposal would therefore comply with Policy HOU8 in terms of residential amenity.

Highway Safety and Parking

The proposed floor plans confirm that there would not be any increase in the number of bedrooms at the site and, consequently, there would be no increase in the number of

required parking spaces. Furthermore, there would be no changes to the existing site access. As such, it is considered that the proposal would not be detrimental to the highway safety of the site, or the surrounding road network.

Conclusion

In light of the above assessment, it is considered that the proposed development is compliant with the relevant policies of the Ashford Local Plan 2030, the Council's adopted SPG Notes 9 & 10, and Central Government guidance in the form of the NPPF 2024. With no overriding harm identified, it is therefore recommended that the application is approved, subject to conditions.

Working with the applicant

In accordance with paragraph 39 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice.

Human Rights

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy his 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) and the wider public interest.

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Description	Date
Proposed Plans 2434/06B	13 January 2025
Proposed Site Plan - 2434/ 05B	13 January 2025
Proposed Elevations - 2434/07B	13 January 2025
Site Location Plan 2434/01A	13 January

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of the visual amenity of the locality.

Informatives:

- **Working with The Applicant**

In accordance with paragraph 39 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to securing sustainable developments by;

- updating applicants/agents when necessary,
- suggesting minor solutions (if appropriate) to secure a positive outcome,
- informing applicants/agents prior to decision of any likely recommendation of refusal.

In this instance, the application was acceptable as submitted and no further assistance was required.

- The applicant is reminded of the need for the development to satisfy the requirements of the Building Regulations and in respect of climate change in particular the following documents:
 - Approved Document L (Conservation of fuel and power)
 - Approved Document F (Ventilation)
 - Approved Document O (overheating)
 - Approved Document S (Infrastructure for electric charging vehicles)

- **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be Ashford Borough Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply and these are set out in The Biodiversity Gain Requirements Exemptions Regulations 2024.

This permission will not require the approval of a Biodiversity Gain Plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.