

Officer's Assessment Sheet

Application Number PA/2025/0178
Type Full planning permission
Location Chestnut Barn, Crocken Hill Road, Egerton, Ashford, TN27 9EG
Proposal Conversion of existing stable building into new self-build dwelling with change of use of the land to form associated garden land, parking, landscaping and biodiversity enhancements
Case Officer Georgina Galley
Registration Date 29/01/2025 **Consultation Ends** 05/03/2025
Valid Date 12/02/2025 **Deadline Date** 09/04/2025
Applicant Mr and Mrs Fooks
Agent Miss Taylor Holdstock

Environmental Impact Assessment ...

Is EIA Required: No Reason:

RECOMMENDATION

Refuse

Site and Surroundings

The application site is located on the southern side of Crockenhill Road in the Parish of Egerton.

The site comprises an existing single storey timber framed stable block with associated hardstanding. The site is owned by Willow Cottage, which is located to the northeast of the site along Forstal Road and lies within the blue line boundary of the site.

The submitted Location Plan (drawing number 4850 - 01 A) is shown below with the relevant red and blue line boundaries:



The site is located outside of the village confines of Egerton Forstal, which is located to the southwest of the site. The village confines of Egerton Forstal are shown in the below map on page 80 of the Egerton Neighbourhood Plan (Village Confines: Egerton Forstal):



The small group of properties to the west of the site (which includes Willow Cottage itself) are also outside of the village confines of Egerton Forstal. The site is located approximately 1.7km (1.1 miles) away from the centre of Egerton (NB: taken as the primary school), which is located to the northeast of the site and is the larger settlement.

The site is located in the countryside in the Smarden Bell Farmlands Landscape Character Area. There are Public Rights of Way to the south and southeast of the site (Public Footpaths – AW70 and AW71), as well as to the north (Public Footpath – AW68).

There is an existing established access track to the site from Crockenhill Road.

The site is located in Flood Zone 1 with the lowest risk of flooding.

The site is located outside of the Stour catchment.

Proposal

The application relates to the proposed conversion of an existing stable building into a 'self-build' new dwelling with change of use of the land to form associated garden land, parking, landscaping and biodiversity enhancements. It should be noted that the description was amended to include the reference to 'self-build' as this forms part of the justification for the proposal being exempt from Biodiversity Net Gain (this will be discussed later on in the report).

The Planning Statement highlights that the current proposal offers an alternative scheme to that recently refused under application reference PA/2024/0642. The changes mostly includes some minor amendments to the design, the removal of existing buildings adjacent to the site and the provision of a wildflower meadow outside of the residential curtilage.

A Structural Engineers Report (dated 08 September 2023) has been submitted as part of the proposal, although this is the same as that provided under refused application reference PA/2024/0642.

The Planning Statement highlights that the existing owners of Willow Cottage would like to downsize and move into the proposed dwelling.

Relevant History

00/00530/AS - Erection of second hand "hay barn". REFUSED.

06/01366/AS - Replacement of existing stable building, garage/hay store and field shelter and the change of use of land for the keeping of horses. REFUSED.

07/00002/AS - Replacement of existing stable building, garage / hay store and field shelter and the change of use of land for the keeping of horses. PERMITTED.

Land adjacent to Forstal Corner Cottage, Forstal Road, Egerton, Ashford (NB: This is the same site as the current application but with a different address reference)

PA/2023/2207 - Change of use, conversion, and extension of an existing stable block into a separate dwelling and garden area with access from Crockenhill Road. REFUSED.

Application reference PA/2023/2207 was refused for the following reasons:

- 1. The proposed development, if permitted, would result in the creation of new dwellings outside the built confines of Egerton or any other 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 83, 84, 109 and 116 of the National Planning Policy Framework (2023).*
- 2. The proposal, by reason of the design, layout and over-domestication of the site generally would result in an unacceptable, overly dominant and visually intrusive form of development that would be detrimental to the rural character and appearance of the site and the wider landscape, together with the established pattern and nature of development in the area. Therefore, it would be contrary to the aims and objectives of Policies SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 and paragraph 135 of the National Planning Policy Framework (2023).*

Willow Cottage, Forstal Road (NB: This is the same site as the current application but with a different address reference)

PA/2024/0642 - Conversion of an existing stable block into a single dwelling to include access, 3 parking spaces and garden area. REFUSED

Application reference PA/2024/0642 was refused for the following reasons:

1. The proposed development, if permitted, would result in the creation of new dwellings outside the built confines of Egerton or any other 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 83, 84, 109 and 116 of the National Planning Policy Framework (2023).

2. The proposal, by reason of the over-domestication of the site generally would result in an unacceptable and visually intrusive form of development that would be detrimental to the rural character and appearance of the site and the wider landscape, together with the established pattern and nature of development in the area. Therefore, it would be contrary to the aims and objectives of Policies SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 and paragraph 135 of the National Planning Policy Framework (2023).

Other Relevant History

The applicant's agent has made reference to the following applications in their submitted Planning Statement

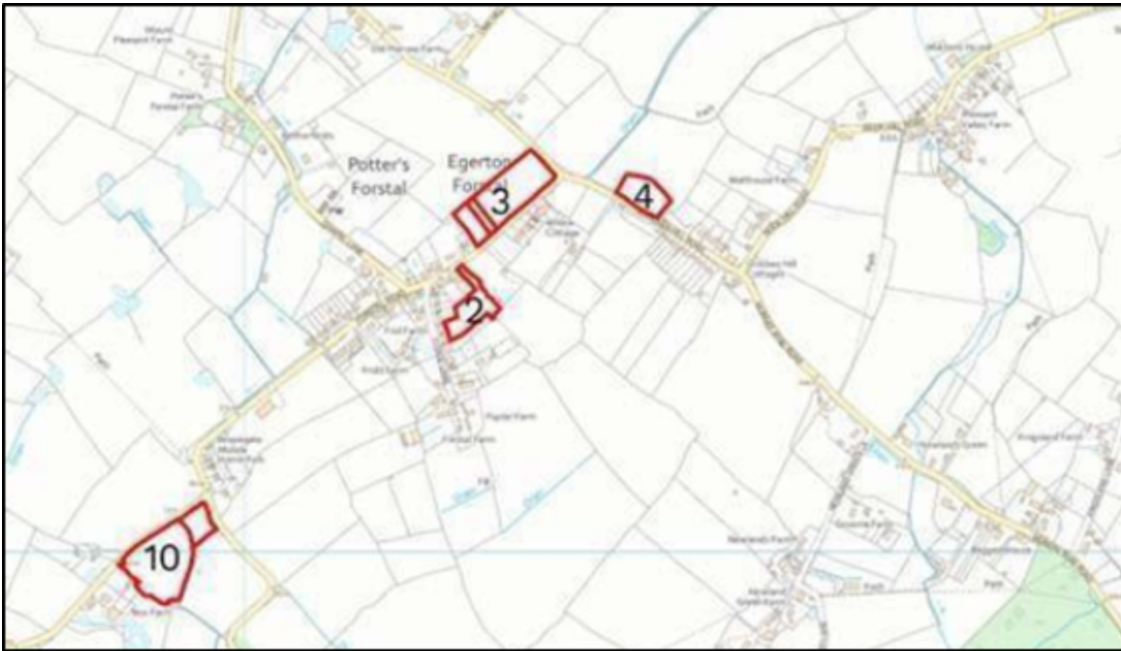
Land North of Crockenhill Road, Egerton, TN27 9EG

PA/2022/2512 - Hybrid Application comprising a Full Application for the erection of 8 no. local needs affordable homes with associated external works, and an Outline Application (with all matters except access reserved) for 1 no. open market, custom build dwelling. APPROVE WITH CONDITIONS / S106.

The Location Plan for application reference PA/2022/2512 is shown below:



It should be pointed out that this is the same site that is shown on page 73 of the Egerton Neighbourhood Plan and is marked as '4 – Gale Field' as per the below map:



Under paragraph 7.18 of the 'Housing' section of the Egerton Neighbourhood Plan reference is made to the provision of affordable housing for local people and it states that the Neighbourhood Plan seeks to address this shortfall through the provision of up to 8 affordable local needs dwellings on the Gale Field site.

Land between 1 Crocken Hill Road and 2 Crocken Hill Cottages, Crocken Hill Road, Egerton, TN27 9BJ

PA/2022/2687 – Erection of dwelling house. PERMITTED.

The Location Plan for application PA/2022/2687 is shown below:



This application relates to an infill development between two existing dwellings that are located approximately 150m to the east of the site (NB: it is considered this figure is more in the region of approximately 215m from the entrance to the site as calculated using

Google Earth). The officer report for application PA/2022/2687 identified that this proposal conflicted with policy HOU5 due to its “unsustainable location”. However, in this instance the tilted balance was applied given the Council’s 5 year housing land supply position. The officer report pointed out that the site was located in a ribbon of development and constituted an infill plot. The site was considered to represent a gap in the existing building line and would be a ‘sensible infill in this location’ providing a modest addition to the Council’s 5 year land supply. As such, the circumstances of this application are materially different to the current proposal.

Planning Policy

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 Rolvenden Neighbourhood Plan (adopted December 2019),
- v. the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
- 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 Aldington & Bonnington Neighbourhood Plan (adopted October 2024)
- x. the Tenterden Neighbourhood Plan (adopted October 2024)
- xi. the Kent Minerals and Waste Local Plan 2024 - 39 (2025) & the Kent Minerals Sites Plan (2020)

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

None at present.

The relevant policies from the Development Plan relating to this application are as follows:

Ashford Local Plan 2030:

- 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

Supplementary Planning Documents

Landscape Character SPD 2011
Residential Parking SPD 2010
Sustainable Drainage (SuDs) SPD 2010
Residential Space & Layout SPD 2011
Dark Skies SPD 2014

Supplementary Planning Guidance

SPG7 Re-use of Agricultural Buildings (adopted 1994)

Informal Design Guidance Notes

Climate Change Guidance for Development Management 2022

Village/Parish Design Statements

Egerton Parish Design Statement

Egerton Neighbourhood Plan – Policies P1, P2, P6, D1, D2, D3

Government Guidance

National Planning Policy Framework 2024
Planning Practice Guidance
National Design Guide 2021
Technical Housing Standards - nationally described standards.

Consultations/Representations

Ward Member; Has Ward Member requested application go to Committee? No.

Egerton Parish Council: We consider this to be good use of the building. It addresses the needs of the owners, has its own access and keeps with the Design statement etc. It is within the confines of the hamlet of Egerton Forstall and is complimentary to development that has been granted up Crocken Hill Road including the Gale Field development.

OFFICER NOTE: The village confines of Egerton Forstal are shown in the map on page 80 of the Egerton Neighbourhood Plan (Village Confines: Egerton Forstal). This is provided under the 'Site and Surroundings' section above.

KCC Highways and Transportation; It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. Informatives are recommended.

KCC Ecological Advice Service: Sufficient ecological information has been provided. No objections subject to conditions.

Upper Medway Internal Drainage Board; The site is within the Board's watershed catchment; therefore the Board's Byelaws apply. Works which may require Land Drainage Consent from the Board. Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of the planning application.

ABC Environmental Protection team; No objections subject to conditions and informatives.

Neighbours: 9 neighbours consulted; 31 letters of support received with the following comments:

- Good use of existing structure without impacting the countryside;
- In keeping with the area;
- The applicants have been part of the village for years;
- There is already an existing access;
- Sympathetic conversion;
- Great use of space;
- As members of our community grow older, they need to find smaller accommodation to suit their needs, in order to remain in the village;
- There is a shortage of small single storey homes;
- Biodiversity benefits;
- This would release a family sized village property onto the market;
- The stables are no longer used;
- The plan shows a well sighted, unobtrusive building;
- The applicants are long standing members of the community and village;
- It is not overlooked by anyone.

Principle

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.

The Council are currently unable to demonstrate a five-year supply; however the Council have not 'failed' the Housing Delivery Test. It is considered that the policies which are most important for determining the application are HOU5 and ENV3a.

Notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2023 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted. At the present time the Council is unable to demonstrate a 5-year housing land supply; however the council have not 'failed' the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years).

In conclusion, the evidence base is out-of-date and as such the 'tilted balance' (paragraph 11, NPPF) must be engaged. Notwithstanding this, paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Further to this, the Court of Appeal Judgement for the Secretary of State for Communities and Local Government v Hopkins Homes Ltd [2016] EWCA Civ 168, found that the weight to be applied to out-of-date policies would vary according to circumstances and would be a matter for the decision maker. General or specifically restrictive policies are capable of being given sufficient weight to justify the refusal of planning permission despite not being up-to-date. In line with paragraph 232 (Annex 1: Implementation) of the Framework, which states that due weight should be given to policies within existing plans according to their degree of consistency with the Framework. Therefore, whilst the local plan as a whole is out-of-date, the main policies for determining the application are broadly consistent with the NPPF and could be afforded significant weight but less than full weight in the determination of this application.

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 policy aligns with the aims of the NPPF under paragraph 84 to 'avoid isolated development in the countryside', and is therefore considered to be broadly consistent with the Framework. As such, for the purposes of this application, policy HOU5 should be afforded significant weight.

Policy HOU5 includes Egerton in its list of named settlements, but it does not include Egerton Forstal. With this in mind, the site lies approximately 1.7km (1.1 miles) from the centre of Egerton (NB: taken as the primary school) and its facilities and services, which includes a primary school, recreation ground, village store and post office (recently re-opened), church and village hall. The site abuts a rural lane that lacks any footpaths or streetlights. Therefore, by virtue of the lack of convenience of walking and cycling routes, the occupants of the proposed dwelling would be heavily reliant on private car for their day-to-day needs. There is also limited access to public transport from the site with the nearest bus stop being located along Rock Hill Road, but this has a very limited service throughout the day.

The Planning Statement makes reference to the fact that there is a 30mph speed limit along the route to the village. Whilst this might be the case, officers are still not convinced that the residents of the site would not be car dependent when accessing facilities and services. This is due to the distance and the overall walking environment, with the majority of the route having no dedicated pavement or street lighting. There is no likelihood of any resident who has a disability or children traversing this distance either.

Although there are existing houses to the west of the site along Forstal Road and to the east of the site along Crockenhill Road, these properties do not have a functional relationship with the application site. Given the location of the site and the overall distance to the nearest local facilities and services, it is considered the proposal would represent an isolated form of development in an unsustainable location that would directly conflict with the aims and objectives of local and national policy, specifically policy HOU5 and NPPF paragraph 84. The conclusion in this regard remains consistent with that reached under the previously refused applications PA/2023/2207 and PA/2024/0642.

It was previously pointed out (by the applicant's agent) under refused application reference PA/2024/0642 that there is a Public Right of Way (Public Footpath - AW68) to the north of the site on the other side of Crockenhill Road that provides a pedestrian route to the village. However, in response to this, officers stated that this would not be suitable for all users, e.g. elderly people, people in wheelchairs or parents with prams, and might not be usable at all times of the year, particularly in the winter months i.e., it does not constitute a realistic walking route to the village.

The submitted Planning Statement references another application (PA/2022/2512) for a rural exception site providing eight local needs units, where similar concerns regarding accessibility were raised by KCC Highways and Transportation (H&T). However, the principle of development in that case was accepted because it was considered to meet an identified need for affordable local needs housing, as supported by the Housing Needs Survey (2018). In other words, there were exceptional circumstances that justified the acceptance of the proposal.

The applicant argues that the current proposal would provide Egerton with a home suitable for older residents looking to downsize, and their view is that the same reasoning should apply. However, it is not considered that the argument put forward justifies the unsuitable and unsustainable location for the proposed dwelling. The proposal would be contrary to both local and national planning policies, which seek to ensure that development is directed to sustainable locations, minimises the need to travel, and avoids isolated development in the countryside.

Furthermore, if the proposed accommodation is intended for older persons, the site is even less appropriate due to its poor accessibility and lack of connection to the nearest settlement and community facilities.

In conclusion, the proposed dwelling would not lie in a sustainable location and would fail to meet part one of policy HOU5. Application reference PA/2022/2512 related to a site that had been specifically allocated through the Egerton Neighbourhood Plan for up to 10 'local needs' dwellings and the planning application itself included 8 affordable homes and 1 open market house. As such, the circumstances of this application were materially different as this application was assessed against policy HOU2 ('Local Needs / Subsidised Specialist Housing') and not policy HOU5. The current proposal would essentially provide general market housing and would not be considered under policy HOU2.

Turning to part two of Policy HOU5, this sets out a series of exceptions where development in the countryside may be acceptable. One such exception allows for the

reuse of existing redundant or disused buildings, provided this would lead to an enhancement of the building's immediate setting. The wording of Policy HOU5 is consistent with paragraph 84 of the National Planning Policy Framework (NPPF). It is important to emphasise that although both the local and national planning frameworks support the reuse of buildings, they do not extend that support to proposals involving demolition or the rebuilding of new structures. The crucial distinction lies between reuse and reconstruction.

A Structural Engineer's Report dated 8 September 2023 has been submitted in support of the current proposal. This document is only two pages in length and provides a high-level commentary on the general structural condition of the stable block following a non-intrusive inspection. Importantly, the report does not address key issues such as timber decay or damp penetration, both of which are relevant given the building's open-fronted nature and prolonged exposure to the elements. Furthermore, this same report was previously submitted under the refused application PA/2024/0642.

Although the report states that conversion to domestic use is "quite possible," it also identifies several structural limitations. These include the need for secondary support to the roof to accommodate a new ceiling and insulation, the introduction of new internal walls to provide lateral stability, and concerns about the foundations given that the building is situated on Weald Clay, a soil with medium to high shrinkage potential. The report further acknowledges that the building was originally constructed as a stable using materials and practices appropriate for that purpose, and even following refurbishment, it cannot be expected to perform in the same way as a building designed for residential use.

In terms of the foundations, while the report notes that they have functioned satisfactorily to date and that the existing slab appears in reasonable condition, these observations are made in the context of the current, lightweight agricultural use. No intrusive investigations were undertaken to assess depth, construction type, or long-term suitability for residential loads. The introduction of new structural elements, internal partitions, infilled openings, and insulation, combined with the shrink-swell characteristics of Weald Clay and the proximity of trees, raise significant concern about the foundations' adequacy. It is therefore highly likely that strengthening, underpinning, or replacement would be necessary in practice to meet Building Regulations and ensure long-term stability.

The report confirms the building comprises a single-storey timber frame with a lightweight corrugated pitched roof supported by timber purlins and trusses. From the proposed plans, it is clear the development would involve the creation of new external and internal walls, with extensive infilling of open elevations, although the existing shell structure would be retained. This level of structural intervention would result in the introduction of a largely new framework within the footprint of the existing building, with only limited retention of the original structure.

Although the structural report suggests that the existing roof could remain largely unaltered, in practice, the construction of a habitable timber roof would require significant additional works. These would include the insertion of new or reinforced rafters, purlins, and ceiling joists to support the new structural and insulation loads, as well as the installation of a breathable membrane, thermal insulation to meet Building Regulations, and internal finishes such as fire-resistant plasterboard. Given the lightweight corrugated

nature of the existing roof, it is unlikely to be suitable for domestic use without full or near-complete replacement. Furthermore, the roof structure would need to transfer increased loads to the supporting walls, which themselves are largely open and would require infilling and reinforcement. Taken together, these works point to a comprehensive reconstruction rather than a reuse of the existing roof, further supporting the conclusion that the proposal constitutes a rebuild rather than a conversion.

The statement within the report that “even after refurbishment [the building] cannot be expected to perform structurally in the same manner as a building which was specifically designed for habitation” makes clear that the level of intervention required would be significant. Taken as a whole, the scale of works including but not limited to foundation reinforcement, construction of new walls, wall infilling and replacement, internal reconfiguration, and likely roof reconstruction, goes far beyond what can reasonably be described as a reuse of the existing building.

In conclusion, the proposal would not amount to the reuse of an existing redundant or disused structure as intended under Policy HOU5 and paragraph 84 of the NPPF. The development would involve extensive works that amount to a rebuilding of the existing skeletal structure. As such, the proposal does not meet the exception criteria set out in Policy HOU5 and represents an unsustainable form of development in the countryside.

The Structural Engineers Report also points out that the stables were ‘in use at the time of our visit’. This was also the case when officers first visited the site and does not satisfy the exceptions under part two of policy HOU5 that relates to ‘re-use of redundant or disused buildings’ i.e., it cannot be considered to be disused or redundant as required by the policy.

The second part of Policy HOU5 refers to proposals that would lead to an enhancement of the immediate setting. While it is acknowledged that the current application now includes the removal of adjacent buildings and the introduction of a wildflower meadow, these measures do not overcome the fundamental policy conflict. It has already been established through previously refused applications PA/2023/2207 and PA/2024/0642 that the proposal would not constitute the reuse of an existing structure, but rather the erection of a new dwelling. In both cases, the officer reports clearly concluded that the development did not comply with the exception criteria under Policy HOU5. As stated in the previous refusal: “No wider enhancements are being proposed in terms of demolition of existing buildings. Notwithstanding this, even if the existing structures on the site were proposed to be demolished, this would not be sufficient to outweigh the fundamental concerns regarding the creation of a dwelling in an unsustainable location.” The same principle applies to the current proposal. The addition of a wildflower meadow and removal of buildings, while visually positive, does not address the central issue that the development represents a new build in an isolated and unsustainable countryside location. As such, the proposal does not meet any of the exceptions within Policy HOU5 and paragraph 84 of the NPPF and is therefore unacceptable in principle.

To add to the above, it is necessary to highlight that in a **recent appeal decision in Oxfordshire at Poachers Cottage (that was sent back for redetermination by the courts)**, the Planning Inspector (in the redetermined appeal) found that whilst the redundant barn appeared solid with four walls and a roof, by keeping only the concrete

supports on their pad foundations, just its skeletal form would be retained in the proposals. As per the Hibbitt judgment, it would be 'in all practical terms, starting afresh with only a modest amount of help from the original building'. The Planning Inspector held the works would be of such a magnitude that in practical reality what would be undertaken would be a fresh build, not a conversion, for which there was no policy support, being in a countryside location distant from services. The appeal was dismissed. This case highlights that the same rigour that is applied to Class Q prior approval applications, to ascertain whether what is proposed is in fact a conversion, should apply equally when assessing planning applications describing a proposed development as a conversion.

This decision re-emphasises what seems to have been lost/overlooked in terms of how conversions should be assessed, not just by Local Planning Authorities but also by the Planning Inspectorate. The case law and the Hibbitt judgment reinforce the importance of applying rigorous scrutiny, whether the proposal is under prior approval for Class Q or a full planning application (which is the case here). It is about ensuring the intent of policy is upheld without compromising on pragmatism.

Policy ENV3a generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. This policy is broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside (paragraph 187). A detailed assessment has been carried out in respect of the impact of the development on the character and appearance of the countryside under the 'Character and Appearance' section of this report.

NPPF paragraph 83 requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and paragraph 117 prioritises pedestrian and cycle movements and facilitating access to high quality public transport whilst paragraph 110 requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Therefore, the proposal would also be contrary to paragraphs 83, 110 and 117 of the NPPF in terms of being in an unsustainable location.

As it stands, and as established at length above, the proposal would amount to a rebuild and constitute an unjustified isolated dwelling in the countryside contrary to local and national policy. Regard has been had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Character and Appearance

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.

NPPF paragraph 135 states that planning policies and decisions should ensure that developments add to the overall quality of the area. They should be visually attractive as a

result of good architecture, layout and appropriate and effective landscaping. They should be sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph 187 of the Framework seeks to ensure that decisions contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

The surrounding area is rural in character. The application site abuts a rural lane with no footpaths or streetlights and is bound by hedges and trees which gives the area a strong rural character. The application site lies within a fairly open landscape with fields to the south and southeast. There are some houses to the northwest, west and northeast of the site but these appear some distance away and are separated by fields between them.

Whilst the application site is set back from Crockenhill Road, it is still visible when travelling along the lane. Although the existing site is in somewhat poor condition, it still appears to serve a function and it sits fairly comfortably within its surroundings. Although utilitarian in appearance, it is reflective of the rural character of the surrounding countryside.

The current proposal is a resubmission following the refusal of application PA/2023/2207. The second ground of refusal under this application stated: "The proposal, by reason of the design, layout and over-domestication of the site generally would result in an unacceptable, overly dominant and visually intrusive form of development that would be detrimental to the rural character and appearance of the site and the wider landscape, together with the established pattern and nature of development in the area".

The applicant's agent highlights in the Planning Statement that the design has been altered so that all existing window/ door openings are utilised to minimise the loss of any existing structure. The current proposal also includes the removal of adjacent buildings from the site and the provision of a wildflower meadow. It has also been highlighted that the extant hay barn under application reference 07/00002/AS would not be built (although this could not be controlled).

Whilst there would be some benefits to the immediate area through the removal of poor-quality structures, together with landscape improvements from the wildflower meadow, the proposed development would still introduce domestication in an area in the landscape that is surrounded by fields. The proposal would still introduce an incongruous feature in this area that would be seen together with a parking area for cars and a range of domestic paraphernalia such as hard surfacing and fencing, which would inevitably be introduced with a change of use at the site to residential use.

Whilst parts of the site are indeed rundown, this should not be used as a justification to allow inappropriate development in an unsustainable location. The buildings are currently housing a number of items and there are also questions as to where these would be stored and whether there would be a requirement for additional buildings at the site. Altogether it is considered that the proposal would still be visually intrusive through the introduction of an unjustified dwelling that would appear at odds with the surrounding rural character of the area and harmful to the appearance of the countryside.

In conclusion, by virtue of the site's location within the wider landscape, the proposal would introduce domestication in this part of the countryside and would detract from the character and appearance of the surrounding area. Therefore, the proposed development would be contrary to policies SP1, SP6, HOU5 and ENV3a of Ashford Local Plan 2030. Finally, it would be contrary to paragraph 187 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

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.

NPPF paragraph 135(f) requires for development to achieve a high standard of amenity for existing and future users. The 'Technical Housing Standards - Nationally Described Standards' provide guidance for acceptable standards of residential accommodation (NB: a 2 bedroom / 4 person dwelling across 1 storey should have a minimum gross internal floor area of 70 sq.m).

The proposed development would comply with the nationally described space standards in terms of the internal living environment. The bedrooms would meet the minimum required room sizes (NB: 11.5 sq.m for a double bedroom) and the combined kitchen/dining/living room would comply with the standards set out in the Council's Residential Space and Layout SPD. The proposal would also feature a garden area to the side that would be appropriately sized for the dwelling and suitably private.

With the above in mind, the proposal is considered acceptable in terms of the internal and external living environment and would comply with the aims and objectives of policies SP1, SP6 and NPPF paragraph 135(f).

Residential Amenity

Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings.

NPPF paragraph 135(f) requires for development to achieve a high standard of amenity for existing users.

Given the siting in relation to the nearest neighbouring properties and the single storey nature of the development, there would not be any unacceptable harm in terms of loss of daylight/sunlight, loss of outlook or loss of privacy that would warrant refusal.

The proposal is considered acceptable from a residential amenity point of view and would comply with the aims and objectives of policies SP1, SP6 and NPPF paragraph 135(f).

Highways

Policy TRA3a relates to parking standards for residential dwellings and policy TRA7 relates to the impact of developments on the road network.

NPPF paragraph 116 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.

There is an existing vehicular access to the site from Crockenhill Road that would be utilised as part of the proposed development. There would also be space within the site for parking and turning of vehicles in line with policy requirements. KCC Highways and Transportation have not commented on the proposal as this is a non-protocol application.

With the above in mind, there are no objections to the proposal from a highways perspective and it would comply with the aims and objectives of policies TRA3a, TRA7 and NPPF paragraph 116.

If the proposal was considered acceptable a condition regarding external lighting would be appropriate to ensure safe access to the site but without causing any unacceptable harm to the surrounding landscape and dark skies.

Ecology and Biodiversity Net Gain (BNG)

Policy ENV1 states that proposals should conserve and enhance biodiversity. Policy ENV3a states that all proposals for development in the borough shall demonstrate particular regard to landscape characteristics, including the pattern and composition of trees and woodlands, and wildlife habitats.

NPPF paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 189 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.

A Preliminary Ecological Appraisal (dated 05 September 2023) has been submitted as part of the proposal. Measures to mitigate for ecological impacts from the proposed development are provided within the report and primarily relate to trees, reptiles, breeding birds, hazel dormice, and hedgehogs. Some ecological enhancements are also proposed within the report. KCC's Ecological Advice Service has reviewed the submitted information and has raised no objections to the proposal subject to conditions relating to ecological mitigation and ecological enhancements.

BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

In this case, the application form states that the proposed development is exempt from mandatory biodiversity net gain as it relates to a self-build. Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states:

“In this Act “self-build and custom housebuilding” means the building or completion by—

- (a) individuals,
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.”

Section 1(A2) states: “But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.”

KCC EAS has stated that Government guidance indicates: *“In considering whether a home is a self-build or custom-build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. Off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer, are not considered to meet the definition of self-build and custom housing.”* It is important to highlight that, given the nature of the works proposed namely, the rebuilding of the existing insubstantial structure, the proposal could potentially fall within the definition of a self-build.

KCC EAS has stated that ABC should satisfy itself that the proposal meets the definition of a self-build and that biodiversity net gain does not apply. In this case, the description of the proposed development has been amended to include reference to the proposed development being a ‘self-build’ following officer advice.

Taking all of the above into consideration, there are no objections in terms of ecological impact and the proposal would comply with the aims and objectives of policies ENV1, ENV3a and NPPF paragraphs 187 and 189.

Sustainability

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).

NPPF paragraph 162 requires Local Planning Authorities to have a proactive strategy to mitigate and adapt to climate change within their Local Plans.

The applicant has submitted a Climate Mitigation Statement and has confirmed the proposed development would include solar panels, a water butt (150 litres, or similar in size) and an EV charging point (3kW standard charger, type 2 plug). These are shown on

drawing numbers 4850 - 10 A and 4850 - 12 A. If the proposal was considered acceptable these matters could be secured by way of a suitably worded planning condition.

Taking the above into consideration, there are no objections in terms of sustainability and the proposal would comply with the aims and objectives of policy ENV10 and NPPF paragraph 162.

Stodmarsh

The site is located outside of the Stour catchment; therefore the application is not affected by the advice received from Natural England in relation to the internationally protected Stodmarsh lakes, east of Canterbury.

Drainage

Policy ENV9 states that all development should include appropriate sustainable drainage systems (SuDS) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality, and to mimic the drainage from the pre-developed site.

NPPF paragraph 164 states that new development should be planned for in ways that incorporates sustainable drainage systems.

Upper Medway Internal Drainage Board have confirmed that the site is within the Board's watershed catchment; therefore the Board's Byelaws apply and Land Drainage Consent may be required from the Board. Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of the planning application.

In this case, Byelaw 3 applies which concerns the discharge of water to a watercourse (surface water or treated foul). The applicant intends to dispose of surface water via infiltration; however the viability of this proposal has not been evidenced. Upper Medway IDB has stated that ground investigation should be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at the site, following the drainage hierarchy, Upper Medway IDB would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Any consent granted would likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. Upper Medway IDB recommends that any discharge is in line with the 'Non-Statutory technical standards for sustainable drainage systems (SuDS)'; therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. If the proposal was considered acceptable, it is considered that this matter could be dealt with by an appropriated worded pre-commencement condition.

The applicant has not indicated how they propose to dispose of foul water from the proposed development. If the applicant intends to discharge treated foul water to a watercourse, consent would be also required under Byelaw 3. If the proposal was

considered acceptable, it is considered that this matter could be dealt with by an appropriated worded pre-commencement condition.

Finally, should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 from the Lead Local Flood Authority, which in this case is Kent County Council. If the proposal was considered acceptable, it is considered that this matter could be dealt with via an informative.

Taking the above into consideration, there are no objections in terms of drainage and the proposal would comply with the aims and objectives of policy ENV9 and NPPF paragraph 164.

Other Material Considerations

Regard has been had for whether there are any other material considerations which indicate that permission should be granted contrary to the development plan.

The NPPF is a material consideration of significant weight and, considering NPPF as a whole, the development can be split down into the three dimensions of sustainable development – social, economic and environmental.

The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase for local builders and trades people.

With regards to the social role, it is considered that the provision from one isolated dwelling would be very limited. Furthermore, it is considered that the proposed development lies in an unsustainable location and would not enhance or maintain the vitality of rural communities.

Turning to the environmental role, there would be some limited benefits from the removal of existing structures and the provision of a wildflower meadow, but harm to the character and appearance of the wider countryside contrary to the NPPF's aim of recognising the intrinsic beauty of the countryside and the landscape.

The site forms part of an existing private equestrian site that is located at the end of a narrow track. The site abuts a lane which lacks footpaths and is unlit. The nearest bus stop is located on Rock Hill Road, but the service is limited. The nearest train station, Pluckley, is located approximately 2.9 miles away by road. The nearest settlement providing reasonable levels of facilities and services is Egerton. The site lies at a distance of approximately 1.7km (1.1 mile) from the primary school and 1900m (1.2 miles) from the nearest pub.

Given the distances, the lack of convenience and safety of walking and cycling routes and the lack of convenient public transport, it is considered that there is no realistic alternative but to travel by car, whilst such travel would be over considerable distances. It is therefore considered that the site is not sustainably located, contrary to paragraph 83 of the NPPF, which requires that "housing should be located where it will enhance or maintain the vitality

of rural communities” and would fail to prioritise pedestrian and cycle movements or facilitate access to high-quality public transport, contrary to paragraphs 110 and 117 of the NPPF.

To conclude, the proposal would provide only limited economic benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environmental objectives relating to the detrimental impact to the countryside and wider landscape and the unsustainable travel patterns that the development would necessitate. To conclude, it is considered that the proposal represents ‘unsustainable development’ and is, therefore, not supported by the NPPF, and as such the development should be refused.

Conclusion

The application site lies outside of settlement confines, where planning policy controls new development. The proposal does not address any of the exceptions allowed for by any of the local planning policies and as such, it is considered to be unacceptable in principle. The proposal would constitute an incongruous and visually intrusive feature in the rural environment to the detriment of the character and appearance of this part of the countryside contrary to policy ENV3a. It is acknowledged that the proposal would provide very limited benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Therefore, the proposal would be contrary to the Development Plan policies and would not be supported by the provisions of the NPPF.

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” section above and the Recommendation below represents 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.

Refusal Reasons:

The proposed development, if permitted, would result in the creation of new dwellings outside the built confines of Egerton or any other 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 83, 84, 110 and 117 of the National

Planning Policy Framework (2024).

The proposal, by reason of the over-domestication of the site generally would result in an unacceptable and visually intrusive form of development that would be detrimental to the rural character and appearance of the site and the wider landscape, together with the established pattern and nature of development in the area. 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 187 of the National Planning Policy Framework (2024).

Informatives:

- **Working with the Applicant**

In accordance with paragraph 39 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive 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.

In this instance, the applicant/agent was notified that the proposal was recommended for refusal.

- The following drawings and documents have been marked as refused as part of this determination

Description	Date
PROPOSED PLAN - 4850 - 11	29 January 2025
PROPOSED BLOCK - 4850 - 10A	5 February 2025
PROPOSED ELEVATIONS - 4850 - 12A	5 February 2025
SITE LOCATION - 4850 - 01A	12 February 2025