

Planning and Development

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Our Ref: PRE/2024/0120

Date: 17, February 2025

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Dear John Payne

Location: The Shack, Stalisfield Church Road, Charing, Ashford, TN27 0NJ

Proposal: Proposed replacement dwelling

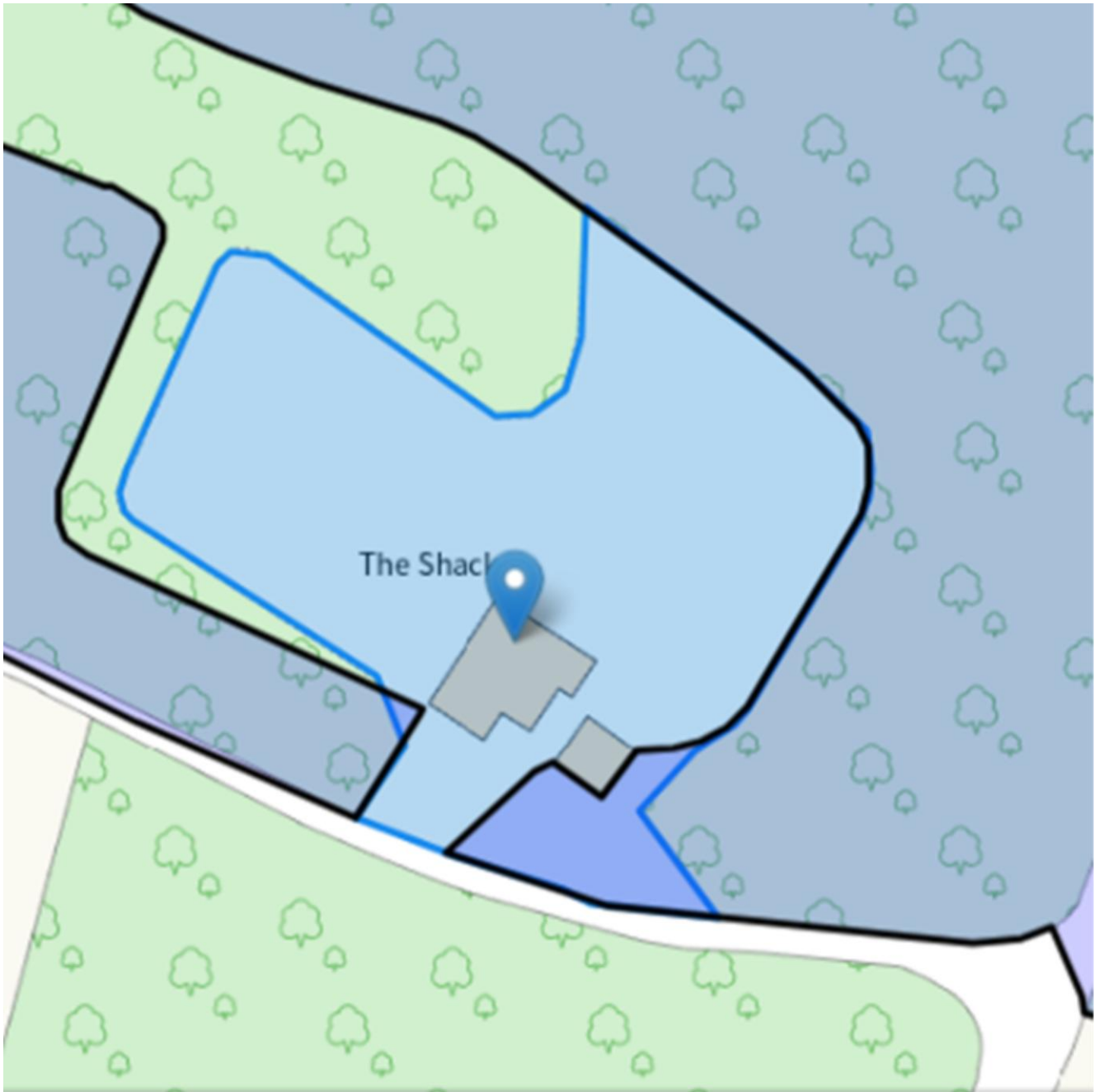
I write further to your request for the pre-application advice in connection with the proposed development at the above address. This letter amends/corrects that sent out on 14th February. I apologise for any inconvenience caused.

Site and Surroundings

The site is located within a relatively remote rural area with only sporadic existing development of dwellings and agricultural buildings in the surrounding area. The site forms a clearing within a woodland setting (Ravensdale Wood) (most of which is designated as ancient woodland). The site accommodates a single storey dwelling with a dilapidated outbuilding immediately to the east. There is also a small greenhouse to the north of the dwelling. The site is accessed via an unmade track which links with Bowl Road to the east and Church Road to the west.

The site is within the North Downs National Landscape and there are Public Rights of Way beyond the northern and eastern boundaries of the site within the adjacent woodland from which glimpses of the site can be obtained, particularly when the existing trees are not in leaf.

The extent of the Ancient Woodland within and around the site is shown outlined in black below:



Proposal

The proposal is for a detached two-storey dwelling with associated parking and landscaping following demolition of the existing property and outbuildings. Ground and first floor plans along with proposed elevations and a roof plan have been provided as part of the pre-application enquiry.

This pre-application enquiry follows concerns that were raised in relation to a previously proposed scheme (application reference PA/2024/1379). That application was withdrawn. The concerns raised were as follows:

It was considered that the proposed dwelling, by virtue of its size, height, bulk, and massing, as well as its design, compared to that it would have replaced, would have been visually incongruous and led to urbanisation of the site which would cause significant harm to the rural character and visual integrity of the site and this part of the countryside. Furthermore, in the absence of an Ecological Impact Assessment (EIA), it was not possible to conclude that the development would not have an adverse impact on the ecology of the application site and its surroundings.

The existing two bedroom dwelling is 4.3m in height with a footprint measuring 11.8m x 10.3m (maximum) (108sq.m.). The dwelling is finished in a mixture of timber cladding, metal sheeting and bricks for the walls, felt and metal sheeting for the roof and white UPVC windows and doors. The only outbuilding of any visual significance measures 4.7m in height and has a footprint of around 52sq.m. This outbuilding is clad with metal sheeting.

The five bedroom (plus ground floor guest bedroom) dwelling proposed would measure 9.4m in height (maximum) (a reduction from 11.8m compared to that previously proposed) and have a footprint of 230sq.m. (21m in width x 13.5m in depth (maximum)). There would be an external balcony along most of the rear and western side elevations at first floor level. A turret feature is proposed on the front elevation which would accommodate a spiral staircase. It is noted that the heights of, for example, the turret feature and bay window on the front elevation have been reduced in height compared to those previously proposed but that the footprint, internal floorspace, external materials and position of the dwelling remains unchanged.

The replacement dwelling would be set back into the site around 2.5m further than the existing dwelling and the Ancient Woodland which abuts the south-western corner of the existing dwelling. The existing vehicular access to the site would be used with parking on the frontage of the site within a gravel driveway. An existing garden shed would provide cycle storage. None of the existing trees are proposed to be removed.

An exemption from the need to provide Bio-diversity Net Gain was claimed on the basis of the development being self-build as part of the previous application. It is assumed that this would continue to be the case.

In support of the previous proposal, reference was made to the replacement dwellings which were granted planning permission at nearby properties (Hill Foxes and The Beeches (reference 13/1172/AS)). However, these are not considered to be comparable to the development proposed as part of the current application as the replacement dwelling at The Beeches was essentially a single storey dwelling with a flat roof and the planning permission for a replacement chalet bungalow at Hill Foxes dates back to 2006 following fire damage to the original dwelling.

Relevant Planning History

DM - PA/2024/1379 - Withdrawn - Detached two-storey self-build replacement dwelling with associated parking and landscaping following demolition of existing property and outbuildings

DM - 81/01505/AS - Permit - Modernisation of bungalow with small extension.

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 Tenterden Neighbourhood Plan (adopted October 2024)
- (x) Aldington & Bonnington Neighbourhood Plan (adopted October 2024)
- (xi) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

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

- SP1 - Strategic objectives
- SP2 – The Strategic Approach to Housing Delivery
- SP6 - Promoting high quality design
- ENV1 - Biodiversity
- ENV3a - Landscape character and design
- ENV3b – Landscape Character and Design in the AONBs
- ENV4 - Light pollution and promoting dark skies
- ENVV5 - Protecting Important Rural Features
- ENV6 - Flood Risk
- ENV7 - Water Efficiency
- ENV9 - Sustainable drainage
- TRA3a - Parking standards for residential development
- TRA6 – Provision for Cycling
- TRA7 – The road network and development
- HOU5 – Residential windfall development in the countryside
- HOU7 – Replacement Dwellings in the Countryside
- HOU12 – Residential space standards internal
- HOU15 – Private external open space

Charing Neighbourhood Plan 2030

- E4 Landscape strategy and safeguarding and enhancing biodiversity
- E6 Climate Change
- T3 Residential Parking Spaces
- D1 Good design
- D2 Good, imaginative and innovative design

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

- Kent Downs AONB Management Plan 2021-2026

Informal Design Guidance Notes

- Climate Change Guidance for Development Management 2022
- Design Guidance Note 4: Non-Mains Drainage for Local Planning Authorities and Developers

Village/Parish Design Statements

- Charing Village Design Statement

Government Guidance

- National Planning Policy Framework 2025

Assessment

The main considerations in the assessment of this proposal are considered to be:

- Principle
- Character and appearance
- Neighbour amenity
- Highway safety and parking
- Flooding and drainage
- Ecology

Principle

The site is located within a rural area beyond the settlement boundary of Charing and the proposal is for a replacement dwelling. As such Policies HOU5 and HOU7 apply.

As the site is not adjoining or close to the existing built-up confines of any of the settlements listed in Policy HOU5, the part of the Policy which refers to residential development elsewhere in the countryside is relevant to the assessment of the application. In these circumstances, the Policy states that residential development will only be permitted if the proposal is for at least one of the types of development listed. One of these is where the proposal is a replacement dwelling, in line with Policy HOU7 of the Local Plan. Given the siting of the new dwelling, policy ENV3a and ENV3b would also be relevant.

Regard must be had to whether the proposal would constitute a replacement dwelling. It is relevant to note that the proposed dwelling would be sited within the existing residential curtilage and its footprint would overlap that of the existing dwelling.

The existing buildings and the site generally do not materially detract from the appearance of the area given the low visual prominence of the existing buildings, despite their poor condition, and as the site is surrounded by woodland.

Policy HOU7 states that replacement dwellings will be permitted provided that the proposal:

- a) is replacing an existing individual dwelling that has a lawful residential use; and,*
- b) is designed to ensure it does not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and/or the existing street-scene; and,*
- c) is suitable in terms of its scale, bulk, massing and the materials used; and,*
- d) can be suitably accessed; and*
- e) would not materially harm any neighbouring uses including the living conditions of nearby residents.*

As the proposed dwelling would replace an existing lawful dwellinghouse, the requirements of criterion a) are met. The development would need to comply with all of the relevant criteria of Policies HOU5 and HOU7 for the principle of the development proposed to be acceptable. Compliance with the other criteria of these Policies are assessed below.

Character and appearance

As part of Policy SP1, planning applications are expected to adhere to a number of requirements including d. To create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the

relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area.

Policy ENV3b states that the Council shall have regard to the purpose of conserving and enhancing the natural beauty of the Kent Downs and High Weald AONBs (now National Landscapes). The Policy requires that all proposals within or affecting the setting of [National Landscapes] will also only be permitted under the following circumstances:

- The location, form, scale, materials and design would conserve and where appropriate enhance or restore the character of the landscape.
- The development would enhance the special qualities, distinctive character and tranquillity of the [National Landscape].
- The development has regard to the relevant [National Landscape] management plan and any associated guidance.
- The development demonstrates particular regard to those characteristics outlined in Policy ENV3a, proportionate to the high landscape significance of the [National Landscape].

Policy ENV4 states that proposals will be permitted provided that the lighting proposed is: the minimum appropriate for its purpose; is designed such that lighting is directed downwards, with a beam angle below 70 degrees and; that no significant adverse effects individually or cumulatively will result to the character of the area, the residential amenity of local residents, the safety of vehicle users and pedestrians or the diurnal/seasonal rhythms of the Borough's biodiversity assets. All proposals will be expected to demonstrate clear regard to the guidance and requirements set out in the Council's Dark Skies SPD (2014).

Policy ENV5 requires that all development in the rural areas of the Borough shall protect and, where possible, enhance the following features:

- a) Ancient woodland and semi-natural woodland;
- b) River corridors and tributaries;
- c) Rural lanes which have a landscape, nature conservation or historic importance;
- d) Public rights of way; and,
- e) Other local historic or landscape features that help to distinguish the character of the local area.

Charing Neighbourhood Policies E4, D1 and D2 are also relevant to the assessment of the visual impact of the development proposed.

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. NPPF Paragraph 187 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. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.

As referred to above, criteria b) and c) of Policy HOU7 require that replacement dwellings comply with the following:

- b) is designed to ensure it does not result in significant harm to the overall character and appearance of the area taking into account the surrounding built form and/or the existing street-scene; and,
- c) is suitable in terms of its scale, bulk, massing and the materials used

The proposed dwelling would be significantly greater in size and bulk compared to the existing modest, single storey dwelling and outbuilding that it would replace but there would not appear to be an increase in the extent of the residential curtilage of the existing dwelling proposed as part of this application. Whilst the development would result in a substantial new built form and domestication extending beyond the confines of the existing buildings within the site, it is considered that the proposal would not cause material harm to the character and appearance of the rural area given the site's secluded location with limited public views. Additional planting could reduce the visual impact of the development further. Upon reviewing the submitted drawings, the dwelling appears well designed. However, there is some concern regarding potential light spillage due to the extent of glazing proposed.

The site is located within the High Weald National Landscape. As a result of the extent of the development and the mitigating factors referred to above, it is considered that the development would conserve the landscape and scenic beauty of this National Landscape. The requirement for the enhancement of the National Landscape, could be achieved through additional planting.

With respect to the impact of the development on existing trees, particularly those within the designated Ancient Woodland area, it is noted that, in response to the previous application, the Forestry Commission recommended that the buffer between the development and the Ancient Woodland was increased as that proposed would be less than the minimum distance of 15m recommended. However, it is noted that the replacement dwelling would be no closer to the Ancient Woodland than the existing buildings on site, none of the existing trees would require removal to enable the development proposed and the Council's Arboriculturalist raised no objections to the proposal (provided that Tree Protection Fencing was erected prior to the commencement of any site activities which could be conditioned if planning permission were to be granted but, ideally, an Arboricultural Impact Assessment would accompany any planning application submitted). Therefore, it is concluded that the development, subject to the imposition of conditions, would not have an adverse impact on existing trees or the surrounding Ancient Woodland.

In conclusion, it is considered that the revised scheme has adequately addressed the concerns Officers' had with the design of the previously proposed scheme. It is, therefore, considered that the proposed development would not cause significant harm to the character or appearance of the site or its surroundings, in compliance with Policies ENV3b, ENV4, HOU5, HOU7 of the Local Plan, Policies E4, D1 and D2 of the Charing Neighbourhood Plan as well as paragraphs 135, 187 and 189 of the NPPF.

Neighbour amenity

Criterion e) of Policy HOU7 requires that the development does not materially harm any neighbouring uses including the living conditions of nearby residents.

As a result of the separation distances between the proposed dwelling and neighbouring properties, it is not considered that the development would cause any harm to the amenity of the occupiers of any existing residential properties in terms of outlook, dominance or overlooking.

Living conditions of the future occupants

Regard must also be had to whether the proposed development would provide a high standard of amenity for the future occupants. Policies HOU12, HOU15 and SP6 are relevant in this regard. Policy SP6 requires that development proposals must be of a high quality design and demonstrate a careful consideration of and a positive response to each of a number of design criteria including flexibility and liveability (criterion g).

Policy HOU12 requires all new residential development to comply with Nationally Described Space Standards (NDSS). Policy HOU15 requires that dwellings are provided with private amenity space which is the width of the dwelling and 10m in depth.

The NPPF, at paragraph 135(f), states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The proposed development would meet Nationally Described Space Standards for internal space and the Council's own standards for external garden space. Therefore, the living conditions for the occupiers of the proposed dwelling would be satisfactory.

Highway safety and parking

Policy TRA3 sets out the parking standards for new residential developments and Policy TRA6 states that at least 1 cycle storage space per unit would be required. Policy TRA7 relates to the impact of developments on the road network. One of the criterion of Policy HOU7 requires that the development can be suitably accessed (criterion d). Paragraph 115 of the NPPF, at point b), requires that safe and suitable access to the site can be achieved for all users.

The development would utilise the existing vehicular access from an unmade track and at least three off-street parking spaces would be provided along with sufficient space for vehicles to turn and for the storage of bicycles and refuse. None of the development would directly affect the public rights of way (PROW) which are located within the vicinity of the site but not within it. Whilst there is a PROW within the vehicular access to the site from Bowls Road, in response to the previous planning application, KCC Public Rights of Way Officer made no comments on the proposal. As a result, it is unlikely that objections would be raised in terms of highways safety or parking provision.

Ecology

As part of Policy SP1, planning applications are expected to adhere to a number of requirements including b. To conserve and enhance the Borough's natural environment including designated and undesignated landscapes and biodiversity and promote a connected green infrastructure network that plays a role in managing flood risk, delivers net gains in biodiversity and improves access to nature.

Policy ENV1 states that proposals should conserve and enhance biodiversity. NPPF Paragraph 187 specifically refers to the protection and enhancement of biodiversity and paragraph 192 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.

Policy E4 of the Charing Neighbourhood Plan is also relevant to the matter of ecology.

I understand that the applicant intends to address the ecological concerns raised by KCC Ecology in response to the previous planning application, specifically regarding the lack of ecological information submitted. The site is surrounded by an area of Ancient Woodland, and the proposal involves the demolition of an existing building. KCC Ecology advised that an Ecological Impact Assessment (EclA) should be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines, prior to the determination of the planning application. This assessment should include:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Ecological Appraisal (PEA) and any necessary additional surveys undertaken;

- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures,
- Details of measures to minimise impacts on the surrounding Ancient Woodland and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

In addition, there is a need to ensure that the construction works do not negatively impact the Ancient Woodland, any lighting should be designed to minimise light spill on the surrounding area and landscaping should be designed to enhance the adjacent woodland through the addition of a scrub/woodland buffer around the boundary.

Unless satisfactory information is submitted, the proposed development would be contrary to Policy ENV1 of the Local Plan, Policy E4 of the Charing Neighbourhood Plan, national policy, most particularly paragraph 98 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system', and the NPPF. It is noted that an Ecological Impact Assessment of the site has now been completed. This document would need to be submitted as part of the revised planning application and KCC Ecology would be reconsulted as part of the assessment of the new planning application.

Other Matters

It is anticipated that the other matters raised by Environmental Protection (contaminated land and drainage) in response to the previous application could be adequately addressed through the imposition of conditions if planning permission were to be granted.

Conclusion

In conclusion, subject to the submission of satisfactory information regarding landscaping and the issue of ecological impacts being satisfactorily addressed, it is considered that there is potential for the application to be considered favourably at the formal application stage. You will appreciate that this advice is given at officer level only and is not legally binding on the Council. Should you decide to submit a planning application, additional issues may arise during the advertisement and public consultation period requiring further consideration of the matters. Further pre-application advice will command an additional fee.

I trust that this advice is of assistance.

Yours sincerely

Kathryn Mathews
Deputy Team Leader - Planning Applications

Notes for your information:

1. When you make an application please ensure that it meets the requirements of the council's validation advice note and that a validation checklist appropriate for the type of application is completed and submitted with it.
2. The advice note and relevant checklist can be accessed via the "Applying for planning permission" pages of the council's website (www.ashford.gov.uk) on the "Is in my application valid" page.
3. The advice given by Council Officers for pre-application enquiries does not constitute a formal response or decision of the Council with regards to any future planning application. Any views or opinions are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application.
4. The final decision on any application can only be taken after the Council has consulted local people, statutory consultees and any other interested parties.

5. A final decision on an application will be made by senior officers or by the council's Planning Committee and will be based on all the information available at that time.
6. This advice will be carefully considered in reaching a decision or recommendation on any resulting applications; subject to the proviso that the circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice will decline over time.
7. It should be noted that if the planning application is delayed for a significant period then any pre-application advice may be overtaken by changes in national, regional or local policy and guidance