

Officer's Assessment Sheet

Application Number PA/2025/1909
Type Outline planning permission: Some matters reserved
Location Land north west of Quince Cottage Romden Road on north side of, Buffalo Lane, Smarden
Proposal Outline Application for a Proposed (Self-Build) Single Storey two bedroom dwelling with all matters reserved save for landscaping.
Case Officer Katy Magnall
Registration Date 14/10/2025 **Consultation Ends** 21/11/2025
Valid Date 31/10/2025 **Deadline Date** 26/12/2025
Applicant Mr David Birch
Agent Ashford Nigel Crannis

Environmental Impact Assessment

Is EIA Required: No Reason:

RECOMMENDATION

Refuse

Site and Surroundings

The application site is located on the north side of Buffalo Lane in the parish of Smarden. Falling some 1400m outside of the built-up confines of the village of Smarden, the site is in the countryside and the Haffenden Quarter Farmlands Landscape Character Area.

Proposal

Outline planning permission is sought for a proposed self-build single storey two-bedroom dwelling with all matters reserved save for landscaping.

Relevant Planning History

DM - 21/00180/PRE - Raise Objection - Erection one-off dwelling and outbuildings.

DM - 10/01136/AS - Proposed Use/Development Not Lawful - Application for Lawful Development Certificate - Proposed - Creation of new 3.6m wide field gateway off Buffalo Lane to include installation of gate and fencing

DM - 10/01457/AS - Permit - New field gate & entrance to Fleet Field

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 to 2039 (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
- TRA3a – Parking standards for residential development
- TRA5 – Planning for pedestrians
- TRA6 – Provision for cycling
- ENV1 – Biodiversity
- ENV3a – Landscape character and design
- ENV4 – Light pollution and promoting dark skies
- ENV5 – Protecting important rural features
- ENV15 - Archaeology
- ENV9 – Sustainable drainage

Draft Ashford Local Plan 2042

On the 31 July 2025, the Council's Cabinet approved a consultation version of the draft Ashford Local Plan 2042 (Regulation 18). Consultation on the draft Ashford Local Plan will take place on 18 August – 13 October 2025. At present, the policies in this emerging Local Plan should be afforded limited weight.

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

None relevant

Informal Design Guidance Notes

Climate Change Guidance for Development Management 2022
Design Guidance Note 1: Residential layouts & wheeled-bins
Design Guidance Note 2: Screening containers at homes
Design Guidance Note 3: Moving wheeled-bins through covered parking facilities to the collection point
Design Guidance Note 4: Non-Mains Drainage for Local Planning Authorities and Developers

Conservation & Listed Buildings

None relevant

Village/Parish Design Statements

Smarden Parish Design Statement

Government Guidance

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

Consultations

Smarden Parish Council - OBJECT - The application site falls way outside the village confines and on an open, green, agricultural field and cannot be classed as a 'windfall development'. By virtue of its distance from the built up confines of Smarden, it does not lie within easy walking distance of basic day-to-day services.

Southern Water - The development site is not located within Southern Water's statutory area for water supply services. As regards the proposed SUDS features, If it is the intention of the developer for Southern Water to adopt these, then the system shall be designed and constructed in line with the Design and Construction Guidance www.water.org.uk/sewerage-sector-guidance-approved-documents/. No Soakaways should be connected to the public surface water sewer.

Upper Medway Internal Drainage Board - has commented that the site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD); therefore, the Board's Byelaws apply. This proposal would need Land Drainage Consent for the discharge of water to a watercourse - in this case, both surface water and treated foul.

Environmental Protection - Requests an Informative (Construction) and two conditions (Unexpected contamination; Sewage disposal)

KCC Flood and Water Management - No comment

KCC Highways - No comment

Shenley Farms Aviation Ltd - The applicant should be drawn to the fact that this proposed development is very close to the Aerodrome and within the area covered by the safeguarding map. Certain noise connected with the aviation activity will be apparent.

Neighbour consultations

There were 9 neighbours consulted on this case. 1 representation has been received in support of the application: It is easy walking distance to the village and would free up a home closer to Ashford. The applicant is keen to locate to the village.

ASSESSMENT

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

- Principle
- Character and appearance
- Neighbour amenity
- Highway safety and parking
- Trees
- Flooding and drainage
- Ecology
- Housing land supply

Principle

This proposal falls to be assessed against Policy HOU5 which 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 aim of the NPPF to 'avoid isolated development in the countryside'. It is therefore considered to be broadly consistent with the Framework. Policy SP2 covers the Strategic Approach to Housing Deliver requiring windfall housing where it is consistent with the housing strategy to ensure development is delivered in a sustainable manner.

The nearest settlement to the application site is Smarden, which has limited facilities and services. The centre of the village is at a distance of approximately 1400m from the

site. The site abuts Buffalo Lane, which itself abuts Bethersden Road, both single-track lanes without any footpaths or streetlights. Some 860m from the site, Bethersden Road connects with Cage Lane, a wider lane with a substandard footpath to one side which forms the route into the village. However, shortly after The Thatched House, the footway disappears and is replaced by an even narrower footpath on the other side of Cage Lane. As the road narrows at the bridge at the entrance to the village there is no footpath at all. Therefore, by virtue of the lack of convenience of walking and cycling routes and significant travel distances, the occupants of the proposed dwelling would be heavily reliant on the private car for their day-to-day facilities and services.

In conclusion, the proposed dwelling would not lie in a sustainable location and would not meet the criteria for new rural housing development set out in the first part of Policy HOU5.

As a site that is not located in a sustainable location, the second part of Policy HOU5 comes into play. This is more restrictive, only allowing development if it meets one of a defined number of criteria. These are:

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- A replacement dwelling, in line with Policy HOU7 of this Local Plan.

It has not been demonstrated how the proposal meets any of the criteria listed above and justifies an exception to Policy HOU5 and paragraph 84 of the NPPF. It should be noted that there is no exception in this policy for local connections to the area or self-build.

The development is therefore unacceptable in principle.

Character and appearance

Policy SP6 requires development to be of a high-quality design. Policy HOU5 as it relates to design and layout requires new development to be of a high quality design that i) sits sympathetically within the wider landscape, ii) preserves or enhances the setting of the nearest settlement, iii) includes an appropriately sized and designed landscape buffer to the open countryside, iv) is consistent with local character and built form, including scale, bulk and the materials used. Policy ENV3a requires new development proposals to have particular regard to landscape characteristics.

The site is not only in an unsustainable location (as described in the section above), it is also isolated with no existing buildings around it - the nearest dwelling, Quince cottage, a historic white weatherboarded property, being some 120 m away. Forming an irregularly shaped plot on part of an agricultural field separated from it by a post and rail fence with trees to the wider existing field boundaries, the site is open and verdant with a number of

large ponds and wooded areas close by, including a fish pond immediately to the south. The proposed development, whilst only a modest single storey dwelling of traditional materials, would encroach into open countryside domesticating an agricultural field harmful to the character and appearance of the rural area.

The building itself has a simple rectilinear building form with a low pitch roof. Due to its modest size and use of natural materials, I raise no objection to the design of the building itself, rather the domesticating effect of the development on the character and appearance of the countryside. The development is therefore unacceptable in terms of its impact on the character and appearance of the area.

Residential amenity

Given the distance of the development to neighbouring properties, I do not consider the proposed development would result in any harm to neighbouring occupiers.

Policy HOU12 requires new housing development to meet space standards for internal space which accords with Nationally Described Space Standards. The proposed development is acceptable in this respect. Policy HOU15 requires new development to provide external amenity space in accordance with the standard. This is achieved also as the development is on a generous plot. I am satisfied that the proposal is acceptable in terms of its residential amenity.

Highway safety and parking

Policy TRA3a sets out the Council's standards for parking space. Policy TRA6 requires provision to be made for cycle parking.

The site is served by an existing access from Buffalo Lane. The proposals show that there is space onsite for the parking of 2 cars in accordance with the standard. Whilst no cycle parking is shown, there is space for cycle parking in accordance with the policy.

I am satisfied that the proposal has sufficient parking to meet its own needs and would not be detrimental to highway safety.

Trees

Most trees are to boundaries and would be unaffected by this proposal. No site trees would need to be removed.

Flooding and drainage

The site is in flood zone 1, so is not prone to flooding. The Upper Medway Internal Drainage Board has commented that the site is near to the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and is within the Board's watershed catchment (meaning water from the site will eventually enter the IDD). Therefore, the Board's Byelaws apply. This proposal would need Land Drainage Consent for the

discharge of water to a watercourse - in this case, both surface water and treated foul. These matters could be dealt with by way of a planning condition if the Council were minded to approve the application.

Ecology

As a self-build scheme, the proposal is exempt from 10% statutory BNG.

Policy ENV1 requires that proposals conserve and enhance biodiversity. Natural England's Standing Advice suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles, and great crested newts could be expected.

The application site is in a rural location where habitats and features including agricultural land, trees and hedgerows and ponds are present on and around the site, indicating ecological value and the potential for protected species presence that must be taken account of in the planning decision. This is required in accordance with paragraph 99 of ODPM 06/2005 which states: "it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". One of the principles of the NPPF is 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".

Therefore, in the absence of the evidence to the contrary to demonstrate that the proposed development would not cause significant harm to the wildlife habitats together with appropriate mitigation measures secured via planning conditions, the proposed scheme is considered unacceptable.

In conclusion, the proposed development would be contrary to national policy, most particularly paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation – statutory obligations and their impact within the planning system' and paragraph 187 of the NPPF.

Housing Land Supply

At this time the Council cannot currently demonstrate a 5-year supply of housing land. This being the case, paragraph 11 (d) of the NPPF 2024 is engaged. This states that for decision taking, planning permission should be granted where the relevant policies can be considered out of date unless: "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." Whilst the development has some benefits in terms of providing a new home and the associated socio-economic benefits both during and after construction, these benefits are limited it being just a single dwelling. As set out above, the proposal would constitute unsustainable development due to demonstrable harm it would cause to the character of the surrounding countryside and the unacceptable degree of separation from Smarden for day to day services. The site is considered to be isolated and unsustainably located in terms of access and distance to settlements listed in HOU5 and

associated local facilities and services. The proposal therefore fails to be sustainable development as set out in the NPPF.

I consider that the local plan policies most relevant to this proposal are consistent with the aim of the NPPF to create sustainable well designed places which are sympathetic to the local character, including the surrounding built environment and landscape setting. Therefore, I consider that the policies of the local plan, including those policies listed above should be given full weight in the determination of the application.

Conclusion

The proposal is not supported in principle when considering the strategic policies of the local plan and the wider aspirations of the NPPF. The proposal would constitute unsustainable development because of the location within a rural area and not within easy walking distance of the closest village. It would also have a domesticating effect on the rural character of the area, harmful to its appearance. Furthermore, the application has failed to demonstrate that any protected species would not be adversely affected, or that appropriate mitigation could be secured. Although the proposal would lead to an additional housing unit within the Borough, this limited planning benefit does not constitute a material consideration that is sufficient to outweigh the significant and demonstrable harm that would arise in this instance. I have weighed the scale of the Boroughs housing supply deficit in the balance in reaching this conclusion.

Therefore, for the reasons identified above, I consider that the development is contrary to local and national planning policies and recommend it is refused.

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.

Conditions:

1 The proposal is contrary to Policies SP1, SP2, HOU5, ENV1 and ENV3a of the Ashford Local Plan 2030, Landscape Character SPD 2011 and Central Government guidance contained in the NPPF (2024) and would therefore be contrary to interests of acknowledged planning importance for the following reasons: -

a) The proposed development, if permitted, would result in the creation of a dwelling house in a remote rural location outside of any defined urban or village confines and

poorly related to any settlement/village resulting in a wholly unsustainable form of development. No overriding justification has been provided to override normal restraint policies. The proposal would constitute unsustainable unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car.

b) The proposed development would introduce an overtly domestic form of development to a rural location. This would significantly and demonstrably harm the rural character and appearance of the area and the wider landscape.

c) The site, by virtue of its location and its relationship with the surrounding trees, ponds and agricultural land, is reasonably likely to provide habitat for protected species. The application has failed to demonstrate that the protected species would not be adversely affected, or that appropriate mitigation could be secured, contrary to The Wildlife and Countryside Act 1981, as amended, paragraph 99 of Circular 06/2005 'Biodiversity and geological conservation - statutory obligations and their impacts within the planning system' and para 187 of the NPPF. In the absence of any information to demonstrate the proposal would be harmful to matters of ecological interest.

Informatives:

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

Description	Date
Location & Existing Block Plan - CDB67/2	14 October 2025
Location Plan	30 October 2025
Proposed Elevations, Floorplan & Site Plan - CDB67/1	31 October 2025

- 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 and,
 - by adhering to the requirements of the Development Management Customer Charter.

In this instance the applicant was informed/ advised how the proposal did not accord with the development plan and that no material considerations are apparent to outweigh these matters.