

Officer's Assessment Sheet

Application Number PA/2025/2104
Type Full planning permission
Location Wittersham Cemetery, The Street, Wittersham, TN30 7EA
Proposal Change of use from Agricultural Land to Cemetery Extension for use as a Burial Ground.
Case Officer Katy Magnall
Registration Date 12/11/2025 **Consultation Ends** 10/02/2026
Valid Date 20/11/2025 **Deadline Date** 24/02/2026
Applicant Agent Mrs Yvonne Osborne

Environmental Impact Assessment ...

Is EIA Required: No Reason:

RECOMMENDATION

Approve with Conditions

Site and Surroundings

The application site relates to part of an agricultural field adjacent to the existing Wittersham Cemetery ground which is set back from the road and accessed via a PROW from The Street a short distance from the church. The site is within the High Weald National Landscape. Several PROWs run close to the site, one to the east of the existing cemetery (AT83) and one to the south (AT78). The existing agricultural field is used for the growing of apples, the application site has been scrubbed of trees. The eastern boundary of the site has a line of well established mature trees which are to be retained. The Wittersham Conservation Area lies to the south of the site. To the north of the site is Bate's Gill Ancient Woodland.

Proposal

Change of use from Agricultural Land to Cemetery Extension for use as a Burial Ground.

Relevant Planning History

DM - 18/01279/AS - Withdrawn by applicant - Change of use from agricultural land to cemetery extension for use as a burial ground

DM - PA/2024/0674 - Withdrawn by applicant - Change of use from agricultural land to cemetery extension for use as a burial ground

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
ENV3b
ENV1
ENV4
ENV13
COM4

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
Sustainable Drainage (SuDs) SPD 2010
Dark Skies SPD 2014

Supplementary Planning Guidance

High Weald AONB Management Plan 2019-2024

Informal Design Guidance Notes

None relevant

Conservation & Listed Buildings

Not relevant

Village/Parish Design Statements

None relevant

Government Guidance

National Planning Policy Framework December 2024
Planning Practice Guidance
National Design Guide 2021

Consultations

Parish Council - no comments - the Parish Council are the applicant.

Environment Agency - consulted; no comments received.

KCC Biodiversity - consulted; no objection subject to conditions.

High Weald AONB Unit - consulted; no comments received.

ABC Tree Officer - consulted; following the submission of an AIA and TPT is content with the proposals.

Neighbours - 46 Neighbours consulted; no representations received.

Assessment

Background

An earlier application for an extension to the cemetery ref. 18/01279/AS on the same site was supported in principle pending resolution of its impact on trees to the north of the site in Bate's Gill. The Environment Agency raised no objection to this proposal, especially given that the site is not within a vulnerable groundwater area or a Source Protection Zone. The applicant chose to withdraw this application.

A subsequent application ref. PA/2024/0674 for the extension of the cemetery was received. In this scheme, the site was set back from Bate's Gill to avoid any impact on trees to the north within the AW. However the application had been submitted without any supporting BNG information. The application was withdrawn.

The current application is on a similar site to the 2024 application - avoiding any impact on Bates Gill AW. A Preliminary Ecological Appraisal and BNG metric/statement have been submitted with this application.

Principle and Impact on Visual Amenity, the Conservation Area, Ground Water and Ancient Woodland/boundary trees

The site is adjacent to the existing cemetery burial ground and is accessed via an existing PROW/track which is hard surfaced. The proposal would enable the Parish to continue to bury those wishing to be laid to rest in the burial ground which is currently nearing capacity. To be acceptable, the proposal would need to comply with policy COM4 which allows for cemetery provision provided that the land is suitable for the use, there is no adverse impact on the water table, there would be no harm to the landscape and there is suitable access.

The Environment Agency has not responded to this consultation but both the EA and Council's Environmental Protection team commented on the previous (identical) 2024 scheme (withdrawn due to the the lack of BNG). They raised no objection, especially given that the site is not within a vulnerable groundwater area or a Source Protection Zone. In light of the above, I am satisfied that the proposed use would not pose a threat to ground water and human health.

The proposal, whilst visible, would not be uncharacteristic within the designated landscape or harm the character and appearance of the adjacent Conservation Area. The existing trees along the boundary would be retained and landscaping could be secured by condition to ensure that the extension when viewed from public vantage points along the PROWs close to the site assimilates with the existing burial ground.

The proposed development has been set back from ancient woodland to the north at Gates Bill. The trees along the eastern boundary have been the subject of an AIA and TPP. The Council's Tree Officer is satisfied that the Arboricultural Report is comprehensive and provides a method for working when adjacent to the trees. He is confident that if the report is followed and used as a reference by operatives then no harm would come to the adjacent trees.

I am satisfied that the proposal would not be harmful to site trees.

The site can be suitably accessed along an existing track which serves the existing cemetery.

In view of the above, I am satisfied that the proposed development meets the requirements set out under Policy COM4.

Neighbour amenity

Given the separation distances and the nature of the use, I consider there would be no harm to neighbour amenity.

Highway safety and parking

As described, there is an existing pedestrian access and track to the existing site. I do not consider the proposal would be detrimental to highway safety.

Ecology/BNG

KCC Biodiversity has reviewed the information submitted by the applicant and advise that sufficient ecological and biodiversity net gain information has been provided for determination.

Protected and notable species

KCC agree with the conclusion of the ecological assessment which states that as habitat change on site will be very gradual and of very small scale, it is reducing the likelihood of the proposed development to have a significant impact on protected/notable species such as reptiles and great crested newt (GCN). It goes on to state that as their presence cannot be fully ruled out - particularly within small areas of vegetation within the site – they are satisfied that any impact can be avoided through the implementation of a habitat manipulation. An appropriate condition is suggested.

I am satisfied that with this condition attached, there would be no harm to site ecology in this respect.

BNG

Under the Environment Act 2021, planning applications such as this proposal are required to deliver at least a 10% biodiversity net gain. There are several exemptions to this provision, none of which relate to this application. Having reviewed submitted information, KCC consider a 10% biodiversity net gain is a statutory requirement of this proposed development.

A small site metric has been submitted and shows a BNG of 13.01% for habitat units and 196.90% for hedgerow units. (KCC acknowledge that there is an issue with the trading rules of the metric. However, they agree with the approach taken by the ecologist stating that the final BNG reaches 10% but not the trading rules, although it can be argued that, while “cemetery and graveyard” is in a different broad group to grassland, it is a predominantly grassland habitat and therefore should be considered as meeting this requirement.) KCC are of the opinion that the extension of the cemetery can be enhanced for biodiversity at least on the area that is not going to be used with burial or ashes plots to start with.

KCC further advise that the Kent LNRS has now been published and therefore the baseline strategic significance values for habitat parcels must be scored as low and that high strategic significance can only be applied to post-development habitats. KCC has pointed out that once a LNRS has been published, medium strategic significance cannot be applied. KCC advise that prior to the submission of the biodiversity gain plan as part of the deemed condition discharge, the LNRS mapping tool Local Nature Recovery Strategy

mapping portal / Making Space For Nature Kent must be reviewed and the correct strategic significance applied within the metric.

KCC consider that the strategic significance is currently incorrect in the on-site habitat baseline and should be put as “not in local strategy”. This can be amended when submitted with the deemed BNG condition at a later stage.

KCC consider that there is no on-site significant habitat identified on-site for legislative biodiversity net gain. This being the case, in their representation, KCC directs the applicant towards the Kent Biodiversity Net Gain Site Register available on the Making Space for Nature in Kent and Medway website.

Significant onsite gains (not the case here) and any offsite gains not associated with a BNG habitat Bank must be subject to a S106 agreement or conservation covenant to secure a monitoring fee and ensure enforceability over a 30-year period. This would need to be covered via the statutory biodiversity gain condition. The pre commencement biodiversity gain plan will be required under the general biodiversity gain condition which applies to all developments required to deliver BNG. In this case, sign up to the Kent Biodiversity Net Gain Site Register would avoid the need for a S106.

KCC has commented that how BNG is to be achieved will have to be agreed, secured and where applicable, registered on the Biodiversity Gains Site Register, prior to the submission of the pre-commencement Biodiversity Gain Plan.

An appropriate condition is attached.

Conclusion

In light of the above assessment I am satisfied that the proposed development would comply with the requirements of Development Plan policy and Central Government guidance. I therefore recommend that this planning application is approved.

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

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

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

Description	Date
Detailed Plan	12 November 2025
Location Plan	14 November 2025
Arboricultural Report, The Mayhew Consultancy Ltd, Jan 2026	26 January 2026

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

3 Prior to any work commencing on site, the following vegetation clearance scheme shall be carried out:

- Any cutting of the vegetation should be undertaken during the active season for reptiles (April to early October inclusive) in any given year.
- The works area should be mowed using hand held machinery only (to 20cm height minimum), during sunny conditions in order to force the animals out of the area; A second cut should be given to ground level, 2 days following the first cut, during sunny conditions;
- The height of vegetation should be kept lower than 5cm until the start of the works
- If any reptiles or GCN are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice

Reason: To ensure no harm occurs to reptiles and GCN during the proposed development.

4 The cemetery extension shall not be used until the habitat creation and enhancement works are fully completed in accordance with the approved Biodiversity Gain Plan, or where the development is to proceed in phases, the Overall Biodiversity Gain Plan and relevant Phase Biodiversity Gain Plan(s); and written documentary evidence in the form of a BNG Completion Notice, has been submitted to, and approved in writing by the local planning authority.

Reason: To ensure that the approved habitat creation and/or enhancements are delivered in accordance with the approved Biodiversity Gain Plan; and that the biodiversity gain objective of 10% has been satisfied.

5 When working adjacent to site trees, the method set out within the Arboricultural Report, The Mayhew Consultancy Ltd, January 2026 shall be followed at all times.

Reason: To avoid harm to site trees.

Informatives:

- 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/agent was updated of any issues after the initial site visit.

The applicant/ agent responded by submitting additional supporting information which were found to be acceptable and permission was granted.

The application was dealt with/approved without delay.

- **Biodiversity Net Gain**

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

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

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

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

This permission will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

For a template and guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the approved development please follow the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan)

Applicants will need to ensure that the Biodiversity Gain Plan to be submitted to the local planning authority for approvals is prepared in general conformity with the approved habitat plans.

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

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to

the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

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

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