

DM - 87/00875/AS - Approved - Extension. Garage, cloaks, W.C & utility.

DM - 13/01241/AS - Approved - Erection of a second floor side extension and conversion of garage into habitable accommodation.

DM - 14/00662/AS - Approved - Two storey side extension.

DM - 22/00074/AS - Proposed use/development not lawful - Lawful Development Certificate - Proposed - Internal partition of existing 4 bed house into 2 x 2 bed separate units by filling up existing internal partywall, installing new stair and bathroom.

DM - 22/00430/AS - Withdrawn - Change of use from a single dwelling to 2 separate dwellings by Internal Partition of existing 4 bed house into 2 x 2 bed separate units by filling up existing party wall, installing new stair and bathroom (retrospective)

ENF - ENF/2025/0050 - Enforcement Notice served 27th February 2026 - Without planning permission, the material change of use of the building at the Premises which was previously used as a single dwellinghouse to the use as two separate dwellinghouses; the carrying out of facilitating incidental works to the building integral to its material change of use comprising the installation of an internal partition wall(s), the installation of an additional internal staircase, kitchen, bathroom, and fixtures and fittings; facilitating operational development comprising the installation of an additional external ground floor entrance door at the north (side) elevation of the building; and further facilitating operational development to sub-divide the garden at the Premises comprising the erection of fencing.

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
HOU3a - Windfall Development Within Settlements
HOU12 – Residential Space Standards (internal)
HOU15 - Private External Open Space
ENV1 – Biodiversity
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

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

Residential Parking SPD 2010
Sustainable Drainage (SuDs) SPD 2010
Residential Space & Layout SPD 2011

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

Government Guidance

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

Consultations

South Ashford Community Forum - no response received.

Natural England - the application could have potential significant effects on Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Neighbour Consultations

There were 6 neighbours consulted on this case. No representations were received.

Assessment

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

- Principle
- Character and appearance
- Neighbour amenity
- Living Conditions of the Future Occupiers
- Highway safety and parking
- Nutrient Neutrality

Principle

The site is located within the built up confines of Ashford and as such, Policy HOU3a applies. This policy supports residential windfall development within settlements provided a number of requirements are met:

- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;*
- b) It would not create a significant adverse impact on the amenity of existing residents;*
- c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);*
- d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;*
- e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network;*
- f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;*
- g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,*
- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.*

Whilst Policy HOU3a supports windfall development within settlements, compliance with the requirements of all of the relevant criteria within this Policy is required. Criteria f) and h) of Policy HOU3a are not be relevant to the assessment of the development proposed.

Whilst the principle of additional residential units within the built-up area is acceptable under HOU3a, this support is conditional upon compliance with all relevant criteria, including provision of adequate living conditions.

Character and appearance

The requirements of criteria a), c) and d) of Policy HOU3a (as set out above) are relevant to the assessment of the impact of the proposal in relation to character and appearance. Policy SP6 is also relevant to the assessment of the impact of the development on the character and appearance of the area. 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.

The change of use has required only minimal alterations to the exterior of the building itself and the changes to the curtilage of the dwellinghouse have been limited to an increase in the hardsurfacing along the frontage of the site to provide additional off-street parking and the subdivision of the rear garden. Whilst extending the hardsurfacing across the whole of the front elevation of the building has not positively contributed to the visual appearance of the streetscene, this is not untypical within the immediate vicinity of the site and, therefore, has not caused material harm. There is also an area of open space/soft landscaping at the northern end of the application site adjacent to the dwellings proposed which would be retained which mitigates the visual impact of additional hardstanding proposed. If planning permission were to be granted, a condition could be imposed requiring details of the bin store to be provided for each of the dwellings.

Based on the above, it is not considered that the development has caused harm to the character or appearance of the site or the surrounding area, in compliance with Policies HOU3a and SP6 as well as the NPPF.

Neighbour amenity

Strategic Policies SP1 and SP6 promote high quality design that responds positively to its surroundings. Criterion b) of Policy HOU3a states that development should not create a significant adverse impact on the amenity of existing residents. NPPF Paragraph 135(f) requires for development to achieve a high standard of amenity for existing users.

Given the nature and extent of the development proposed, the only neighbouring properties which could potentially be adversely affected would be the attached residential dwelling to the south and the dwelling to the east (71 Bond Road).

In terms of overlooking, no windows have been added to the property and, whilst the internal layout of the property has been altered, the location of habitable rooms has not changed. Therefore, there has not been any increase in overlooking as a result of the development.

As the building has not been extended, the development has not resulted in an increase in dominance of or loss of outlook from any neighbouring residential property. Any increase in noise and disturbance, given the nature and extent of the development proposed, would not have been material.

Therefore, it is considered that the development has not had an adverse impact on the amenity of any neighbouring occupiers, in compliance with Policies SP6 and HOU3a and the NPPF.

Living Conditions of the Future Occupants

Regard must also be had to whether the proposed development has provided a high standard of amenity for 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).

HOU12 requires all new residential development to comply with Nationally Described Space Standards (NDSS) which require that two storey dwellings with two bedrooms provide at least 70sq.m. of floorspace for a three person property and 79sq.m. for a four person property, plus 2sq.m. of built-in storage. HOU15 requires that dwellings are provided with private amenity space which is the width of the dwelling and at least 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.

Both of the units proposed would have two bedrooms. The number of bed spaces is not shown on the drawings submitted but reference is made in the Planning Statement submitted to the properties both being three person units. One of the units proposed would accommodate 71sq.m. and the other 57sq.m. gross internal floorspace. Therefore, one of the units proposed would be of sufficient size to accommodate a two bedroom, three person dwelling and the sizes of the bedrooms proposed for the same level of occupancy comply with the minimums recommended in the NDSS (at least 11.5sq.m. for a double room and 7.5sq.m. for a single bedroom). Whilst the bedroom sizes for the second residential unit also comply with the aforementioned NDSS minimums, the overall gross, internal floorspace of this second property falls significantly below the minimum of 70sq.m. even for a three person unit.

As part of the current application it is argued that the extra 9sq.m. required for a two bedroom, three person two storey dwelling compared to the single storey version is due to the extra floorspace required for a staircase. It is argued that the staircase proposed only accounts for around 3.6sq.m. and therefore, the actual short fall in floorspace is less not 9sq.m.. However, the NDSSs take into account the extra circulation spaces required for staircases and not just the staircase itself.

It is also suggested that a condition could be imposed requiring the internal layout of the smaller dwelling to be altered so that it was only a one bedroom, two person dwelling which would accord with the NDSS. However, such a condition could not be imposed as this would conflict with the description of the development which is specifically for 2no. two bedroom units and the layout drawings submitted.

In addition to the concerns raised regarding the lack of internal floorspace for one of the units proposed, whilst the rear gardens proposed would extend to the full width of the dwellings, they would only be around 5m in depth which is significantly below the minimum of 10m referred to in Policy HOU15. It is acknowledged that the depth of the rear gardens proposed would be the same as the four bedroom dwelling which is the lawful use of the site. However, the lack of depth would have been compensated by the greater width of that rear garden and the piece of land at the northern end of the application site, which is not proposed as garden space for either of the dwellings the subject of the current application, was used as additional amenity space based on historic aerial images of the site. As part of the application, reference is made to the site being located near to local parks and open spaces such as Musgrove Recreation Ground which is located around 300m from the site and Victoria Park which is approximately 330m from the site. However, these areas of public open space would not provide private, secure recreation or leisure space for the occupiers of the proposed dwellings which, being two bedrooms, are likely to accommodate families with children, and so would not compensate for the lack of on-site provision.

On the basis of the above, it is not considered that the development provides an adequate quality of life for the occupiers of the proposed dwellings as a result of the lack of internal floorspace for the northernmost dwelling and the lack of private amenity space proposed for both dwellings, contrary to Policies SP6, HOU12, HOU15 and the NPPF.

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. Paragraph 114 of the NPPF, at point b), requires that safe and suitable access to the site can be achieved for all users.

Each of the dwellings proposed has been provided with space for two off-street parking spaces which complies with the minimum required by Policy TRA3. Vehicular access from Jemmett Road to the two additional parking spaces proposed to serve the southernmost unit does not exist and would require an additional/ widened vehicular crossover onto Jemmett Road. KCC Highways have not commented on the proposal as it does not fall within their remit. However, if planning permission were to be granted, it would be necessary to impose a condition requiring that a suitable crossover from the public highway was provided within a reasonable time period. The provision of cycle storage could also be required by condition if planning permission were to be granted.

Therefore, no objections to the development in relation to highway safety and parking provision are raised and it is considered that the proposal, subject to the imposition of conditions, complies with Policies TRA3, TRA6 and TRA7 of the Ashford Local Plan 2030 and the NPPF.

Nutrient Neutrality

This site lies within the catchment area of the Stodmarsh European Protection Site. It is Natural England's view that a likely significant effect on the internationally designated Stodmarsh sites (Special Protection Area, Special Area of Conservation and Ramsar site) cannot be ruled out due to the increases in wastewater from new developments coming forward in the Stodmarsh catchment. The uncertainty about the impact of new development on designated sites needs to be recognised for all development proposals that are subject to new planning permissions and have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Stodmarsh catchment, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.

In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission. One of the recommended ways of overcoming this impediment is by achieving nutrient neutrality. Natural England's guidance on 'Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites' sets out a practical methodology which provides advice on how to calculate nutrient budgets and options for mitigation, should this be necessary.

The Nutrient Neutrality calculations submitted conclude that the development would generate additional nutrient load from the additional wastewater the development would generate. The development is not nutrient neutral and, therefore, mitigation will be required as the development would increase the effect of wastewater on the designated Stodmarsh sites.

As part of the Stodmarsh Nutrient Assessment submitted, it is suggested that mitigation measures (credit purchases) are not required in this case. It is argued that a low water use approach could achieve a lower-than-average water use of 80 litres of water per person per day for both the properties which would result in an overall betterment and reduction in the nutrient load generated by the existing use of the site as 2no.two bedroom, three person dwellings compared to the former four bedroom property if it had been occupied by a 7 person family or a 6-person HMO under permitted development and 120 litres of water per person per day had been used. It is suggested that a lower water usage could be achieved through the imposition of a condition requiring details of measures to reduce water usage. It is stated that these measures could include a water flow reduction device, low flush WCs, aeration spray taps, press button or sensor taps, low flow showers, low or no flush urinals in public toilet areas, low water use laundry equipment, rainwater harvesting and greywater recycling. However, notwithstanding the fact that no public toilet areas are proposed, such a condition would not provide sufficient certainty that the development would be and would remain nutrient neutral as the condition would not be enforceable given that there would be no practicable means of the Council detecting that a condition requiring the measures to be installed and remain in place had not been complied with. Furthermore, even if this approach could be accepted, the level of

occupation of the former, single dwelling used in the calculations provided is purely hypothetical.

For the foregoing circumstances, the application is not considered acceptable. In the absence of mitigation being identified and demonstrated to be deliverable, it is not possible to conclude that the scheme would be acceptable in respect of this issue. Therefore, it is recommended that planning permission is also refused for this reason.

Conclusion

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Notwithstanding the primacy of the development plan, NPPF Paragraph 11 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 but 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). Furthermore, paragraph 195 of the NPPF states, *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* Whilst the evidence base is out-of-date, the site lies within the Stour catchment and effects on Stodmarsh Lakes (which is a site of international importance and designated as a Special Protection Area, Special Area of Conservation, Ramsar site and Site of Special Scientific Interest) have not been ruled out. As such by virtue of the provisions within paragraph 11 of the NPPF, the tilted balance would not be engaged in this instance. In conclusion, the local planning policies within Ashford’s Local Plan could be afforded full weight in the planning balance.

The proposal would create an additional dwelling within the built-up area in a sustainable location and would make a limited contribution to housing supply. However, one of the proposed units fails to meet the Nationally Described Space Standards and both units would be provided with inadequate private amenity space, resulting in substandard living conditions contrary to Policies SP6, HOU12 and HOU15 of the Ashford Local Plan 2030 and the NPPF.

Furthermore, in the absence of secured and deliverable nutrient mitigation, it has not been demonstrated that the development would avoid adverse effects on the integrity of the Stodmarsh designated sites. The proposal therefore conflicts with Policy ENV1, the Habitats Regulations and paragraph 195 of the NPPF.

For these reasons, the adverse impacts of the development would significantly and demonstrably outweigh its limited benefits. Planning permission is therefore recommended for refusal.

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 development does not provide an adequate quality of life for the occupiers of the proposed dwellings due to the lack of gross internal floorspace within the northernmost unit compared to the minimums recommended in the Nationally Described Space Standards and the lack of private amenity space proposed. The development is, therefore, contrary to Policies SP6 (criterion g), HOU12 and HOU15 of the Ashford Local Plan 2030 and paragraph 135(f) of the NPPF.

The proposal has failed to demonstrate that wastewater from the proposed dwellings would not add to current problems of increasing nitrogen and phosphorus levels at Stodmarsh Lakes which is a site of international importance and designated as a Special Protection Area, Special Area of Conservation, Ramsar site and Site of Special Scientific Interest. The development would therefore be contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), Policy ENV1 of the Ashford Local Plan 2030 and paragraph 193 of the National Planning Policy Framework which ensures protection of these areas.

Informatives:

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

Description	Date
Existing and Proposed Site Block Plan 133JEM/BD/A/001 Rev B	19 December 2025
Proposed Plans & Elevations 133JEM/BD/A/101 Rev A	19 December 2025
Location Plan and Existing Plans and Elevations 133JEM-BD-A-100 REV A	7 January 2026

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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, as the application was retrospective, the applicant was not informed/ advised how the proposal did not accord with the development plan and that no material considerations are apparent to outweigh these matters and was not provided the opportunity to withdraw the application before it was determined. The application was determined without delay.