

**SHEPHERD NEAME LTD – SITE ADJOINING THE RED LION PH,
CHARING HEATH, ASHFORD**

PLANNING POLICY CONTEXT

1. INTRODUCTION

1. Section 38 (6) of the Town & Country Planning Act 2004 states that LPA's are under a statutory duty to determine a planning application in accordance with the development plan unless material considerations indicate otherwise. In this case, the prevailing development plan context for Ashford Borough Council is set out in the Adopted Ashford Borough Local Plan, 2000 (Saved Policies – Updated June 2014); the Adopted Core Strategy 2008; Tenterden & Rural Sites DPD, 2010; the draft Local Plan, 2030: Main Changes, July 2017; and the National Planning Policy Framework (NPPF), March 2012 insofar as it is a significant material planning consideration.

2. THE NATIONAL PLANNING POLICY FRAMEWORK, MARCH 2012

2. NPPF Para 14 states that at the heart of the NPPF is a '*presumption in favour of sustainable development*'. It continues that:

'For decision-taking this means...where the development plan is absent, silent or relevant policies are out-of-date, granting permission, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in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; or specific policies in this Framework indicate that development should be restricted'.

3. Para 47 states that in order '*to boost significantly the supply of houses*' LPA's should '*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing*' Further that LPA's should:

'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the

buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land’.

4. Para 49 states that *‘housing applications should be considered in the context of the presumption in favour of sustainable development’*. It continues that *‘relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites’* (NB: The recent Supreme Court decision *‘Suffolk Coastal D.C v Hopkins Homes Ltd, 2017’* has provided clarification on the ‘narrow’ scope of the expression *‘relevant policies for the supply of housing’* in which it has confirmed that the more general policies of the plan which affect the supply of housing should still to be weighed in the balance when considering whether planning permission should be granted).

5. In terms of *‘sustainable development in rural areas’*, NPPF Para 55 states that *‘housing should be located where it will enhance or maintain the vitality of rural communities’*. NPPF Para 109 states that *‘The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes’* NPPF 113 states that *‘Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting...landscape areas will be judged’*

5. NPPF Para 215 states that *‘due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies of the Framework, the greater the weight that may be given’*. NPPF Para 216 also states that:

‘From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

- *the degree of consistency with the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'.*

2. SAVED POLICIES OF THE ADOPTED ASHFORD BOROUGH LOCAL PLAN, 2000

6. A number of the Saved Policies of the Adopted Ashford Borough Local Plan, 2000 (Updated June 2014) are relevant to the planning application site. These are:

RELEVANT POLICY	APPLICANT'S RESPONSE	DO THE PROPOSALS COMPLY WITH POLICY?
EN9: SETTING AND ENTRANCES OF TOWNS AND VILLAGES		
<i>Development proposals which would damage significantly buildings, landscape features, or important views, which contribute to the setting and entrances of towns and villages will not be permitted</i>	The proposals can best be described as infill development at the centre of the village on the edge of an area of private open space. As such, the proposals do not impact on any noteworthy landscape features or important views. The setting of the Red Lion PH (Grade 2 listed) is protected	Yes
EN12: PRIVATE AREAS OF OPEN SPACE		
<i>Private areas of open space should remain free from built development where they are: a) undeveloped areas of land which provide visually important breaks between existing and proposed development; b) areas which make an important contribution to the setting of the town, village, conservation area or other group of buildings</i>	The farmstead / courtyard scheme proposals would sit on the edge of a much larger area of private open space to be retained. The proposals would serve to result in an attractive, high quality scheme at the centre of village which compliments its rural character and appearance. It does not detract from the setting of the Red Lion PH	Yes
HG3: Design in Villages in the Rural Areas		
<i>In considering proposals for new housing development in a village (or smaller rural settlement), the Council will need to be assured that the following elements of the village's character have been taken into account and where appropriate, reflected in the design of new housing:</i>		
<i>a) the historic pattern of the village</i>	The farmstead / courtyard scheme constitutes an infill development at the centre of village. It seeks to replicate the type of development that might have historically existed on the site	Yes

<i>b) important open spaces within the village and important areas of planting;</i>	A large area of private open space would be retained at the centre of the village which is currently used by local residents for informal recreational use	Yes
<i>c) important views in and out of the village</i>	It is evident from the Landscape Value Assessment prepared by The Landscape Partnership the scheme proposals do not have a detrimental impact on any important views into and out of the village	Yes
<i>d) the relationship between built form of the village and the surrounding countryside</i>	The proposals constitute infill development at the centre of the village surrounded by existing houses and the Red Lion PH. There is not direct connection between the site and the countryside beyond.	Yes
<i>e) the variety of building types, local materials, building proportions; architectural features and styles</i>	In discussion with the PC, a farmstead type proposal is considered the most appropriate form of development on the site	Yes
<i>Where supplementary planning guidance has been prepared it will be used to help determine applications</i>	Reference has been paid to the village plan in designing the scheme proposals	Yes

3. ASHFORD BC LDF CORE STRATEGY, ADOPTED JULY 2008

7. A number of the policies of the Adopted Core Strategy, 2008 are relevant to the planning application proposals. These are:

RELEVANT POLICY	APPLICANT'S RESPONSE	DO THE PROPOSALS COMPLY WITH POLICY?
CS1: GUIDING PRINCIPLES (part)		
<i>Sustainable development and high quality design are at the centre of the Council's approach to plan making and deciding applications. Accordingly, the Council will apply the following key planning objectives:</i>		Yes
<i>A. Development that respects the environmental limits that protect high quality built and natural environment of the Borough, minimises flood risk, provides for adequate water supply; and protects water and air quality standards;</i>	The proposals would serve to preserve and enhance the character and appearance of Charing Heath. The overriding objective has been to produce a high quality scheme which compliments the site's semi-rural location	Yes
<i>B. The Conservation and enhancement of the historic environment and built heritage of the Borough;</i>	In accordance with advice received from the Heritage Collective, the scheme proposals do not have a detrimental impact on the setting of the Red Lion PH (Grade 2 listed). The site	Yes

	does not fall within a Conservation Area.	
<i>C. Protection of the countryside, landscape and villages from adverse impacts of growth and the promotion of strong local communities;</i>	The scheme proposals constitute a sensitive, high quality development of 5 homes within the village's confines. It would contribute to the health and well being of village life	Yes
<i>D. New Places – buildings and the spaces around them – that are of high quality design, contain a mixture of uses and adaptable building types, respect the site context and create a positive and distinctive character and a strong sense of place and security;</i>	A farmstead / courtyard scheme has been designed in accordance with the wishes of the PC. It seeks to replicate the sort of development that might have existed in this location in the past in a rural location. The development will enhance its immediate environment to the benefit of the village	Yes
<i>E. New building and places designed to meet the challenging sustainable design and carbon standards that work towards achieving zero carbon developments, including minimising the use of resources and waste and to enhance biodiversity;</i>	The scheme development has been designed to a high level of sustainability. This can be controlled by means of planning conditions	Yes
<i>F. The best use of previously developed land and buildings to help regenerate urban areas the carefully phased release of green field land to make the best use of a finite resource;</i>	Technically the site falls within the curtilage of the Red Lion PH, albeit the site constitutes undeveloped land. It is considered that the use of an infill plot at the centre of the village is preferable to development on the edge of the village affecting agricultural land	Yes
<i>L. Healthy sustainable communities that put human health and well being at their heart – fostering access to amenities, healthier forms of transport; and mixed and cohesive communities designed for social interaction</i>	The proposed development is aimed at families with children and will make important contribution to the health of the village community as an active, vibrant place in which to live.	Yes
CS2: THE BOROUGH WIDE STRATEGY (Part)		
<i>Land for about 16,770 new dwellings and related uses, and about 16,700 additional jobs plus contingency allowances of about 10% and 40% respectively will be identified with the Ashford Growth Area. In the rest of the Borough, subject to any amendments made in the Tenterden and Rural Sites DPD, land for about 1,800 new dwellings will be identified by 2021, alongside appropriately scale employment opportunities;</i>	In the absence of a 5 YHLS, this policy relating to housing land supply is technically out of date in which a presumption exists in favour of sustainable development. The emergent Local Plan supports development with the villages including Charing Heath	N/A
<i>Smaller scale development opportunities, including opportunities for employment and other non-residential uses will be identified in the rural centres of Tenterden, Charing, Hamstreet and Wye and a range of other smaller identified settlements</i>	Ditto	N/A
<i>Progress against the targets in this policy will be reviewed regularly so that</i>	Ditto	N/A

<i>any adjustments needed to ensure that development is occurring within a sustainable manner whilst meeting these targets can be made. The need for a broad balance over time between housing and jobs growth, and the need to stimulate brownfield development will be particular issues for the review</i>		
CS6: THE RURAL SETTLEMENT HIERARCHY		
<i>In the Borough outside the Ashford Growth Area, housing site allocations will be made through the Tenterden and Rural Sites DPD based on a hierarchy of settlements suitable for limited expansion</i>	In the absence of a 5 YHLS, this policy relating to housing land supply is technically out of date in which a presumption in favour of sustainable development is seen to apply	N/A

4. TENTERDEN AND RURAL SITES DPD, ADOPTED OCTOBER 2010

8. A number of the policies of the Adopted Tenterden and Rural Sites DPD, Adopted October 2010 are relevant to the planning application proposals.

RELEVANT POLICIES	APPLICANT'S RESPONSE	DO THE PROPOSALS COMPLY WITH POLICY?
TRS1 – MINOR RESIDENTIAL DEVELOPMENT OR INFILLING	In the absence of a 5 year housing land supply, this policy is technically out-of-date (NPPF 49). It is noted that emergent draft Policy HOU3a includes Charing Heath as a sustainable village location where limited infill development for housing is considered acceptable.	N/A
<i>Minor development or infilling will be acceptable within the built-up confines of Tenterden and the following villages... providing the following requirements are met:</i>	Without prejudice to the above, it is evident that the application proposals would comply with the stated criteria set out below for development within village settlements	Yes
<i>a) the development can easily be integrated into the existing settlement without the need to substantially improve the infrastructure or other facilities;</i>	The scheme proposals would have direct access from Tile Lodge Road and connectivity with gas, electricity, water and sewerage supply	Yes
<i>b) the proposal is of a layout, scale, design and appearance that is appropriate to the character and density of the surrounding area;</i>	A small, infill scheme for 5 houses would integrate well with the adjoining pattern of development at the centre of village (forming part of its natural organic growth)	Yes
<i>c) it does not result in the displacement</i>	The proposals would serve to retain the	Yes

<i>of other active uses such as employment, leisure or community uses within the area; and</i>	remainder of the site as an area of private open space used by local residents for informal recreational use such as dog walking	
<i>d) the proposal would not result in the loss of public or private open spaces or gaps that are important characteristics of the settlement</i>	As confirmed in the Landscape Value Assessment prepared by The Landscape Partnership, it is evident that the development proposals would compliment the private open space (adjoining to the east) which will continue to be used for informal recreational uses at the centre of the village	Yes
TRS2 – NEW RESIDENTIAL DEVELOPMENT ELSEWHERE (Part)		
<i>New residential development outside the built up confines of Tenterden or the Villages listed in TRS1 will not be permitted....</i>	In the absence of a 5 YHLS this policy is technically out of date	N/A
TRS17 – LANDSCAPE CHARACTER AND DESIGN (Part)		
<i>Development in the rural areas shall be designed in a way which protects and enhances the particular landscape character within which it is located and where relevant, any adjacent landscape character area...</i>	In accordance with TLP's Landscape Value Assessment the development proposals will include planting measures to create an attractive landscaped area between the new housing the open space to be retained to the east	Yes

5. DRAFT LOCAL PLAN, 2030: MAIN CHANGES, JULY 2017

9. In accordance with NPPF Para 216, material weight can be attributed to the policies of the emergent Local Plan insofar as they are consistent with the policies of NPPF.

RELEVANT POLICIES	APPLICANT'S RESPONSE	DO THE PROPOSALS COMPLY WITH POLICY?
POLICY SP2 – THE STRATEGIC APPROACH TO HOUSING DELIVERY		
<i>A Total housing target of 12,950 net additional dwellings applies to the Borough between 2017 and 2030. In order to achieve this target, additional housing sites are proposed to provide choice and competition in the market up to 2030</i>	It is noted that ABC is currently failing to meet its 5 year housing land supply requirements (a shortfall of 1,770 dwellings) in which the emergent strategy places a renewed emphasis on directing new development towards the most sustainable villages – including Charing Heath (Policy HOU4)	Yes
<i>The housing target will be met through a combination of committed schemes, site</i>	The proposed development site represents a suitable windfall site	Yes

<i>allocations and suitable windfall proposals</i>	within a selected village location	
<i>Development in the rural areas will be of a scale that is consistent with the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity. With this in mind, in addition to existing commitments, new allocations to deliver 1,245 dwellings are proposed.</i>	The proposed development site would make a small contribution to ABC's need to deliver 1,245 dwellings within the rural area	Yes
<i>Windfall housing development will be permitted where it is consistent with the spatial strategy outlined above and is consistent with other policies of this Local Plan, in order to ensure that sustainable development is delivered</i>	The proposals comply with ABC's spatial strategy for sustainable limited growth within selected villages close to Ashford Town	Yes
HOU4 – RESIDENTIAL WINDFALL DEVELOPMENT WITHIN SETTLEMENTS		
<i>Residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of the following settlements: ...Charing Heath..... Providing that the following requirements are met:</i>		Yes
<i>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;</i>	In discussion with the PC, Farmstead / courtyard scheme is considered to represent an appropriate form of development on the site	Yes
<i>b) It would not create a significant adverse impact on the amenity of existing residents;</i>	The proposals would not result in a loss of outlook; privacy; overshadowing in terms of properties located along the west side of Tile Lodge Road	Yes
<i>c) It would not result in significant harm to or the loss of public, private land that contribute positively to the local character of the area (including residential gardens);</i>	On balance, the proposed loss of open space is compensated for by the provision of new family housing and the retention of the rest of the site as private open space (used by local residents for informal recreational use)	Yes
<i>d) It would not result in harm to the landscape, heritage assets or biodiversity interests;</i>	In accordance with advice received from The Landscape Partnership and the Heritage Collective the proposals would not have a detrimental impact on the landscape or the setting of the Red Lion PH	Yes
<i>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;</i>	In accordance with advice received from RPG an access from Tile Lodge Road (including visibility splays) would meet relevant KCC Highway standards	Yes
<i>f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;</i>	The site is highly sustainable in terms of on site connections (gas; electricity; sewerage; broadband)	Yes

<i>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</i>	The proposals allow for pedestrian access from Tile Lodge Road in accordance with KCC Highway standards. Lighting will be restricted in order to maintain rural setting	Yes
<i>h) It would not displace an active use such as employment, leisure or community facility</i>	There would be no loss of any form of activity on the site	Yes

6. CONCLUSIONS

10. It is evident that the development proposals are in accordance with the NPPF and emergent policy set out in the new Ashford Local Plan, 2030. Further, it is evident that the development proposals comply with the Adopted Local Plan, 2000 and the Core Strategy, 2008 insofar as they constitute windfall development within a village settlement. Without prejudice to this position, it is evident that no material weight should be applied to Adopted Tenterden and Rural Sites DPD, 2010 (Policy TRS1 and TRS2) given that this policy is out-of-date in the light of the fact that there is an absence of a 5 year housing land supply within the Borough. In the light of the ‘tilted balance’ in favour of allowing planning permission, it is evident that the development proposals would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of allowing the development to proceed.

SM/1 7.12.17