

**MILLIKEN & COMPANY**  
**CHARTERED SURVEYORS & TOWN PLANNERS**

**SHEPHERD NEAME LTD**

**LAND ADJOINING THE RED LION PH,  
TILE LODGE ROAD, CHARING HEATH,  
TN27 0AU**

**FULL PLANNING APPLICATION FOR THE ERECTION OF 5  
DWELLINGS, CAR PARKING, VEHICULAR ACCESS, HARD & SOFT  
LANDSCAPE AND ASSOCIATED WORKS**

**SUPPORTING PLANNING STATEMENT**

**DATE: FEBRUARY, 2018  
REF: SM/1**

## 1. INTRODUCTION

1. We are formally instructed by Shepherd Neame Ltd to submit a full planning application to Ashford Borough Council for a scheme of 5 houses on surplus land they own to the rear of The Red Lion Public House, Charing Heath. The proposed 'farmstead / courtyard scheme' will not detract from the continued operation of The Red Lion Public House as a Class A4: Drinking Establishment and restaurant.

2. As part of this process, CDP Architects were instructed in January 2017 to prepare a site layout plan and elevations (including cross-sections). Preliminary proposals for the site were the subject of a pre-application meeting on site with ABC's Planning Officer in April, 2017 (LPA Ref: 17/00117/INF) and subsequent meetings held between Shepherd Neame and Charing Heath Parish Council in May, 2017. As a result on these initial discussions, the development proposals have evolved into a 'farmstead / courtyard scheme', reminiscent of the form of development that might have existed on the site in the past in the countryside. In accordance with pre-application advice received by letter dated 4<sup>th</sup> May, 2017, the following sub-consultants have produced detailed site assessment reports in support of the development proposals. This work includes:

- Milliken & Co. – Planning Policy Statement;
- The Landscape Partnership – The preparation of a Landscape Value Assessment and planting plan;
- ILEX – Tree Survey report and planting proposals;
- Heritage Collective – A heritage statement relating to the impact of the proposals on the setting of the Red Lion PH (Grade 2);
- RGP – Transport Statement and access plan;
- RGP – Sustainable drainage report;
- Ecology Solutions Ltd – Habitat 1 & 2 Assessment including protected species survey;
- Topographical Survey.

## 2. SITE & SURROUNDING AREA

4. The proposed development site is located within the village confines of Charing Heath approximately 6 to 7 miles to the north-west of Ashford Town (circa 15 to 20 minutes drive time). Charing Village is located approximately 1.5 miles to the north of Charing Heath (5 minutes drive-time) and has a good range of shops, services and pubs / cafes. There are fast rail connections from Charing to London St Pancras (via Ashford) (1 hour) and London Victoria (1hr 20 minutes).

5. The site is located immediately to the north of the Red Lion PH car park area. The distance between the Red Lion PH and the site is approximately 70 meters in which there is little direct inter-visibility between the two areas. The site area is circa 0.48ha comprising rough grassland. It forms part of a much larger field area which slopes in a southerly direction (circa 2 ha). The whole of this land is bounded by mature trees apart from along the site's northern boundary which can be seen to abut the rear gardens of 2 storey houses built in circa 1950's.

6. The site fronts onto Tile Lodge Road (hidden behind tall trees and hedgerow). On the west side of Tile Lodge Road is an attractive mix of residential properties built since the war (detached; bungalows etc). Similarly, there is an attractive mix of Victorian cottage style and more modern residential properties fronting the main open area (hidden behind trees) along the south side of Charing Heath Road – a number of which have been constructed in recent times.

7. At the intersection of Tile Lodge Road / Charing Heath Road and Egerton Road is the Red Lion Public House. This is Grade 2 listed building (1362992 – listed in 1967) which was originally constructed as a farmhouse in 1562 but became an Inn in the late sixteenth century. The listed buildings extract states:

*'C18 exterior to a timber-framed building. Steeply pitched hipped tiled roof with large modern brick chimney stack. Four modern casement windows. Later porch built on. Heavily restored'*

8. The main setting of the Red Lion PH is from its front side (southern elevation) at the intersection of the aforementioned roads. Within the curtilage of the Public House

is a brick built barn. Post discussions with the Parish Council, Shepherd Neame has agreed to submit a separate planning and listed building application in due course for the conversion of the barn to provide guest accommodation (4 bedrooms) in association with the pub. Revenue from the eventual disposal of the site for housing will be used in part to cross fund the restoration and re-use of the barn. On the opposite side of Charing Heath Road to the Public House, there are 2 large, prominent, detached executive style homes (circa 1980's) on slightly elevated land.

10. In summary, it is evident that the proposed development will be located at the centre of Charing Heath village on surplus open land forming part of the Red Lion Public House's curtilage. The development of a 'farmstead / courtyard' scheme would integrate well with the existing pattern of development in the village whilst contributing to its overall character and appearance. A large area of private open space would be retained to the east of the site in the ownership of Shepherd Neame.

### 3. PLANNING POLICY CONSIDERATIONS

11. S38 (6) of the Planning & Compulsory Act, 2004 states that Ashford BC is 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 BC is set out in the following documents:

- Adopted Ashford Borough Local Plan, 2000 (Saved Policies – updated, June 2014);
- Adopted Ashford BC LDF Core Strategy, 2008;
- Adopted Tenterden & Rural Sites, DPD, 2010;
- Draft Ashford Local Plan, 2030: Main Changes, July 2017; and
- The National Planning Policy Framework, March 2012.

12. A detailed assessment of the extent to which the development proposals comply or conflict with the prevailing development plan framework is set out in a separate Planning Policy Statement. From this statement, it is evident that policies relating specifically to housing land supply are ‘out-of-date’ on the basis that Ashford BC is not meeting its Full Objectively Assessed Needs (FOAN) in terms of its 5 YHLS requirements (NPPF 14 & 49). Importantly, the Supreme Court Judgement (Suffolk Coastal DC v Hopkins Homes Ltd) confirms that the other policies of the adopted plan which might have a bearing on housing land supply remain relevant material considerations when assessing the material weight to be applied to the benefit of providing sustainable, housing development on a site.

13. With respect to the above, it is evident that Adopted Core Strategy, July 2008, Policies CS2: The Borough Wide Strategy and CS6: The Rural Settlement Hierarchy and Adopted Tenterden and Rural Sites, DPD, October, 2010, Policies TRS1: Minor Residential Development and Infilling and TRS2: New Residential Development Elsewhere are ‘out-of-date’ on the grounds that they specifically relate to housing land supply issues. As such, the key development policies in this case relate to Adopted Ashford Local Plan, 2000, Policies HG3: Design in Villages in the Rural

Areas and EN12: Private Areas of Open Areas and Adopted Core Strategy, July 2008, Policy CS1: Guiding Principles.

14. In terms of emergent Policy, it is evident that the NPPF Para 216 states that material weight can be given to this policy insofar as it is consistent with the policies set out in the Framework - the greater degree of consistency, the greater material weight that can be applied. NPPF Para 55 states that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*. This objective is consistent with emergent 'Policy HOU4 – Residential Windfall Development Within Settlements' which states that *'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...'* subject to complying with a number of development criteria a) to h).

15. In summary, it is the case that relevant adopted policy relating to housing land supply is 'out of date'. As such, the development proposals fall to be determined in the context of general policy relating to new housing development in village settlements. Further, insofar as emergent policy is consistent with the NPPF, material weight can be applied to Policy HOU4 which supports infill development within Charing Heath.

#### **4. DEVELOPMENT PROPOSALS**

16. The development proposals are for a ‘farmstead / courtyard’ scheme, as one might expect to find in a rural location. Whilst the proposed form of the development is of a traditional design based on a main farmhouse with outlying barns set within an enclosed compressed gravel courtyard area, the proposed elevations will result in a scheme which is modern in appearance, yet sympathetic to its rural location in terms of the careful use of materials and colour pallet.

17. As discussed and agreed with the Parish Council, the development proposals comprise a range of unit sizes and floor areas ranging from 2 bedrooms to 5 bedroom properties. The GIA for each unit can be set out as follows:

- Unit 1 – 108 sq m (3 bed)
- Unit 2 – 97 sq m (2 bed)
- Unit 3 – 183 sq m (4 bed)
- Unit 4 – 181 sq m (4 bed)
- Unit 5 – 117 sq m (3 bed)

18. The total built footprint for the development proposals is 695 sq m (GEA). The ground to ridge height ranges from 2.65 metres (Unit 5 – Bungalow) to 4.95 metres (Unit 4 – Farmhouse).

19. The courtyard area has capacity for circa 15 car parking spaces, in which each unit has its own allocated garage / car port space. Refuse collection will be from a designated collection point within the site in accordance with KCC highway standards. The proposed means access and visibility splays have been designed by RGP and are also in accordance with relevant highway standards.

20. Whilst the development has been designed to interface with the open space to the east, it is proposed to include planting along the site’s eastern boundary to create a natural boundary and soften the scheme’s appearance. Existing dense hedgerow and trees along the site’s Tile Lodge Road boundary is to be retained so that the proposed

development will largely be hidden from view. Planting along the site's boundary to the north with existing housing and to the south with the rear car parking area to the Red Lion PH is to be strengthened. Further planting is to be provided within the private open space area to soften the area's boundary with adjoining housing to the north.



## **5. MAIN PLANNING CONSIDERATIONS**

21. The main planning considerations relating to the development proposals can be summarised as follows:

- (i) The physical impact of the development proposals on the rural area including matters relating to landscape; the settlement pattern; setting of the listed building; and trees;
- (ii) Extent to which the physical impact of the development proposals conflict with adopted and emergent planning policy;
- (iii) The planning benefits of the development proposals relating to the provision of new housing;

### **(i) Physical Impact of the development proposals**

22. The proposals would result in the development of a small portion (circa 20%) of an area of private open space located at the centre of Charing Heath village. The proposals represent an infill development between existing housing to the north and the Red Lion PH car park to the south. There is housing on the opposite side to the site along the west side of Tile Lodge Road.

23. In landscape terms, the site is not subject to any national or local landscape designations and as such, can be described as falling at the lower end of the spectrum of valued landscape. Further, the site does not form an important gap in the settlement pattern in which the development proposals would be largely hidden from view by tall trees and hedgerow along the east side of Tile Lodge Road. Insofar as there would be views across the private open space area to be retained, it is evident that these views would be softened by new planting and trees. Further, the development has been designed as a 'farmstead / courtyard' scheme which would appear as an appropriate form of development in a rural location. There are no far reaching views of the site from the surrounding area (Ref: The Landscape Partnership – Landscape Value Assessment and planting proposals).

24. In terms of the village confines, it is evident that there has been a significant amount of post war development of mixed styles along Tile Lodge Road; Charing Heath Road; and Windhill Lane (including the public sector housing located immediately to the north of the site). It is considered that a high quality, low key, landmark scheme based on a 'farmstead / courtyard' design concept would actually serve to enhance the character and appearance of Charing Heath village to the benefit of existing and future residents. The scheme has been designed to create an attractive interplay between the development proposals and the private open space to the east. These are matters which have been discussed with the Parish Council and have helped guide the form of development that they would be happy to support in principle on the site.

25. In designing the development proposals, advice has also been obtained from the heritage collective in terms of the site's relationship with the Red Lion PH located to the south. As such, it is evident that the development site does not contribute to the Red Lion PH setting in which there is little inter-visibility between the two. Indeed, it is evident that the development proposals would compliment the Red Lion PH by providing a form of development that is in keeping with the rural area, comprising a main farmhouse and courtyard buildings.

26. In terms of the proposed means of access from Tile Lodge Road, it is evident that a number of poor specimen trees would be lost as a result of the development proposals. Along with other planting measures it is the intention to replace these trees to enable a dense tree screen to be maintained along the road frontage, serving to largely hide the proposed development from view.

27. In summary, it is evident that the development proposals would result in the small loss of private open space, but in doing so would not have a significant impact on the landscape or existing settlement pattern. It is considered that an attractively designed scheme would make an important contribution to the village's evolution as a place to live.

**(ii) Extent to which the development proposals conflict with planning policy and other material considerations**

28. As set out in the attached planning policy assessment document, it is evident that the development proposals would only have limited impact in terms of the prevailing planning policy context for the site and other relevant material considerations.

29. The key relevant planning policy in this case is the Adopted Ashford Borough Council Local Plan, 2000 (Updated, June 2014) Policy HG3: Design in Villages in the Rural Area. In terms of determining whether the design of the proposed development has properly taken into account the character of the village, it is evident that the following development criteria are applicable.

- a) historic pattern of the village: Housing development in the past has largely been concentrated along the outer edge of a triangular net of roads comprising Tile Lodge Road, Charing Heath Road and Windhill Lane serving to encompass the land to the rear of the Red Lion PH in the middle. Clearly, a prominent feature within this net work of streets is the 1950's public sector housing development located off a cul-de-sac called 'Windmill'. There is additional estate type development located to the north of Windmill Lane. In discussion with the Parish Council, the objective has been to create a scheme which serves to enhance the character and appearance of the village centre by producing a farmstead / courtyard scheme which is reflects the village's location in the rural area. This form of development would also be in keeping with the rest of the private open space area to the east to be retained;
- b) important areas of open space within the village: In the light of the village's existing character and appearance, it is evident that the open space area is largely hidden from view and does constitute a key visual landscape element within the village (Ref: TLP Landscape Value Assessment). As such, the loss of a small part of this open space area (circa 20%) would not detract from the village's setting or any other noteworthy landscape features. The work undertaken by the Heritage Collective has also confirmed that the site is not key to the setting of the Red Lion PH;

- c) important views into and out of the village: It is evident from the TLP Landscape Visual Assessment that the site does not contribute to any views into and out of the village;
- d) the relationship between the built form of the village and the surrounding countryside: The site is located within the centre of the village, and as such, its development would not impact upon the surrounding countryside;
- e) the variety of building types, local materials, building proportions; architectural features; and styles: The development proposals represent a modern interpretation of a traditional theme based on a ‘farmstead / courtyard’ form of development. It is evident that this will produce an extremely high quality form of development which is attractive to families looking for a new home in a village location in the countryside;
- f) where supplementary planning guidance has been prepared it will be used to help determine applications: The development proposals are compliant with ABC space standards. Further consideration has been paid to the Charing & Charing Heath, 2002 village design statement.

30. A second key relevant policy is the Adopted Ashford Borough Council Local Plan, 2000 (Updated, June 2014) Policy EN12: Private Areas of Open Space. In terms of the relevant development criteria, it is evident that there is no overriding basis for the development site to be retained as open land; namely:

- a) undeveloped areas of land which provide visually important breaks between existing and proposed development: It is evident from TLP Landscape Visual Assessment that the site does not constitute a visually important gap within the settlement pattern along the east side of Tile Lodge Road. The site is largely hidden from view by the existing hedgerow and tall trees. The loss of the site to development would not detract from form and function of the much larger area of private open space to the east;

- b) areas which make an important contribution to the setting of the town, village, conservation area or other group of buildings: On the basis that the site is largely hidden from view and located within the centre of the village, it does not in land use terms contribute to its setting. Further, in accordance with advice received from the Heritage Collective, it is evident that the site does not contribute to the Red Lion PH setting in terms of views across open land.

31. In terms of the Adopted Ashford BC LDF Core Strategy, 2008, it is evident that a relevant key policy is Policy CS1: Guiding Principles. In the context of the relevant development criteria a) to l), it is evident that the development site does not form part of a high quality landscape; does impact on the setting of listed building; would enhance the character and appearance of the village; would create an attractive place in which to live with its own special identity; and would be designed to the highest standards of sustainability. Whilst the site does not constitute previously developed land, it does constitute an important infill site opportunity at the heart of the village.

32. In terms of emergent policy, it is evident that the Draft Local Plan, 2030: Main Changes, July 2014 Policy HOU4 – Residential Windfall Development within Settlements is consistent with NPPF policy and therefore should be attributed material weight as part of the determination process. It is evident that the development proposals would comply with the relevant development criteria:

- a) it is a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area: In accordance with the feedback received from the Parish Council, it is strongly felt that a ‘farmstead / courtyard’ scheme would represent the most appropriate form of housing development for the site blending both the built up area with the site’s rural location;
- b) it would not create a significant adverse impact on the amenity of existing residents: There would be no loss of amenity to existing residents as a result of the development proposals. All relevant design and development standards are capable of being complied with;

- c) it would not result in significant harm to or the loss of public, private land that contributes positively to the local character of the area (including residential gardens): For reasons previously stated, it is evident that the development proposals would not result in the loss of land which makes a significant contribution to the character and appearance of the village. Further, the development proposals have been designed to compliment rather than detract from the remainder of the private open area to be retained;
- d) it would not result in harm to the landscape, heritage assets or biodiversity interests. In accordance with advice received from the TLP, Heritage Collective and Ecological Solutions Ltd, it is evident the proposals would not result in significant harm to the landscape, listed building or any protected species;
- 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: In accordance with advice received from RGP Transport Consultants, it is possible to create an access into the site for vehicular and pedestrian use which meets relevant KCC highway standards. RGP have measured traffic speeds along Tile Lodge Road for the purpose of designing the access and calculating the necessary visibility splays (right and left turns);
- f) it does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure: The site is well integrated within the existing built up area in terms of making the necessary water, gas, electric and drainage / sewerage connections;
- g) it is capable of having safe lighting and pedestrian access without a significant impact on neighbours or the integrity of the street scene – It would be the aim of the proposals to provide low-level lighting whilst aiming to minimise light pollution.

33. It is evident the development proposals would only have limited impact on the village of Charing Heath (physical and rural environment). The small loss of open

space is compensated for by the creation of an attractive housing scheme whilst also serving to retain a large area of private open space at the centre of the village.

### **(iii) The planning benefits of the development proposals**

34. The key planning benefit arising from the development proposals is its contribution of Ashford BC housing stock. The material weight to be attributed to this benefit is significant given that the Council is not meeting its 5 YHLS requirements.

35. In support of this position, ABC's latest AMR Statement on five year housing land supply confirms that the Planning Inspector to the Tilden Gill Road, Tenterden planning appeal (APP/E2205/W/15/3032575) found that the Council could not robustly demonstrate a five year housing land supply. In the light of this, the AMR states that:

*'Based on the outcome of this appeal, and until such a time as the borough's New Local Plan to 2030 is adopted, whilst the existing adopted development plan remains the starting point to considering planning applications for housing, the Council will place more emphasis on the 'presumption in favour of sustainable development' as per paragraph 14 of the NPPF. That is, in the first instance, applicants should demonstrate that a proposal will not result in significant and demonstrable harm. A judgement will be made, on a case by case basis, as to how the proposal addresses the dimensions of sustainable development as outlined in paragraph 7 of the NPPF, as well as any other policy and land use issues raised by the proposal'*

35. The new draft Local Plan, 2030: Main Changes, July 2017 confirms that as of April, 2017, the Borough has a housing delivery shortfall of around 1,700 dwellings. As per the AMR, therefore, it is evident that adopted policy relating specifically to the supply of housing within the Borough is 'out-of-date' (NPPF Para 47) in which there exists a presumption in favour of sustainable development taking into account relevant social, economic and environmental considerations ('tilted balance').

36. Against this background, it is evident from the emergent Local Plan: Main Changes, July 2017 that, in accordance with the NPPF, a more permissive approach is to be applied to 'windfall' site housing development in rural settlements in which Charing Heath is now identified in Policy HOU4 as a location where small infill proposals for residential development adjoining or close to the existing built up

confines of settlements will be permitted subject to meeting a number of development criteria.

37. It is noted that the selection of Charing Heath for small infill housing development is based on the village's accessibility to Ashford Town Regional Shopping Centre and discount outlets and the fact that it is only 5 minutes drive time from Charing Village where there is a good range of local shops, services and community facilities, plus fast rail connections between Ashford and London Victoria.



## **6. PLANNING BALANCE / CONCLUSIONS**

38. In the absence of a 5YHLS it is evident Paragraph 49 is triggered in this case in which there is a presumption in favour of sustainable development unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the NPPF (NPPF Paragraph 14).

39. In this respect, it is evident that the development proposals would result in the loss of a small part of a 'private open space' at the centre of Charing Heath village which would result in limited harm to the remainder of the 'private open space' area in terms of the overall reduction in site area, albeit not to such an extent that the form and function of this private open space would be lost. It is also evident that the development proposals would have a limited impact on the landscape in which it is evident that the site is not subject to any national or local landscape designations and therefore is at the lower end of the valued landscape spectrum (NPPF 109). There are no formal public footpaths crossing the site and the site can not easily be seen from any of the surrounding local roads. The site does not contribute to the setting of the Red Lion PH.

40. It is considered that the development proposals comprising a farmstead / courtyard scheme represent an appropriate form of development in this location which will serve to enhance the character and appearance of the village. The proposals have been designed to create an attractive juxtaposition with the open space to the east.

41. On balance, it is evident that the limited harm that can be attributed to the development proposals and lack of conflict with development plan policy is significantly outweighed by the important planning benefit arising as a result of providing 5 housing units on the site. This would make a small, but important contribution to the Council's 5 YHLS. The provision of new housing would contribute to the life and vitality of the village.

42. For this reason, a strong case exists in support of the current development proposals, which are in turn consistent with the NPPF and in accordance with

emergent Local Plan policy in support of 'windfall' development in a number of selected villages, including Charing Heath.

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