

Application Number	14/01420/AS	
Location	Land south and east of Tilden Gill Road, Tenterden, Kent	
Grid Reference	893720/33117	
Parish Council	Tenterden	
Ward	Tenterden South	
Application Description	Outline Application for the erection of up to 100 dwellings, parking, landscaping, open space and associated works, with details of access	
Applicant	Gatefield Estates Limited, c/o the agent	
Agent	Mr Justin Packman, PRO Vision Planning and Design, Grosvenor Court, Winchester Rd, Ampfield, Winchester, Hampshire S051 9BD	
Site Area	5.64ha	
(a) 95/174R	(b) R	(c) KHS R, Cult R, SW X, PO(Drainage) X, EHM(EP) X, High Weald AONB R, EA X, KCC PROW X, RAM X, NE X, TDRA R, WKPS R.

Introduction

1. The application is reported to the Planning Committee because it is a major application and a departure from the development plan.
2. On 1 February 2013 the regulations governing the amount of information that needs to accompany an outline planning applications was significantly rationalised. Indicative layouts and scale parameters are no longer required to be provided as part of the submission. Notwithstanding this, indicative layouts have been provided with the application but if Members are minded to grant planning permission this detail would not actually be approved.
3. The application is purely to establish the principle of up to 100 dwellings on the site together with the detail of the proposed access from Priory Way. Access roads and links within the site are to be dealt with at the reserved matters stage.

Site and Surroundings

4. The application site adjoins the Shrubcote Estate on the south eastern edge of Tenterden. The site is bounded to the north by the rear gardens of dwellings along Tilden Gill Road, Shrubcote and Priory Way and to the east, south and west by open countryside including Ashenden Gill, an Ancient Woodland designated as a BAP Priority Habitat and a Local Wildlife Site. The site is located on the northern edge of the High Weald Area of Outstanding Natural Beauty (AONB), with an area along the south eastern boundary of the site falling within the AONB.
5. Long views south over open countryside characterise the site which comprises areas of rough grassland, together with two modest belts of woodland, and an orchard. 8 willow trees in the centre of the site are covered by a Tree Preservation Order (TPO).
6. A group of four residential properties, including two listed buildings, the former Belgar Farmhouse now known as Belgar and a barn converted into two dwellings, Weavers Barn and Old Belgar Barn as well as Belgar Oast House, are positioned in the centre of the southern edge of the application site which, as a consequence, encircles the curtilage of these dwellings on three sides.
7. Two PROWs run through the site. AB36 runs from Priory Way along the north eastern edge of the site to join AB35A at the south eastern corner of the site, a restricted by-way which also provides vehicular access to Belgar, Belgar Oast House, Weavers Barn and Old Belgar Barn.
8. The area of the site is 5.6ha. A site location plan is attached as an annex to this report.

Proposal

9. The application seeks outline planning permission for the erection of up to 100 dwellings including details of access. Appearance, landscaping, layout and scale are reserved matters for future consideration. Vehicular access is proposed through the Shrubcote Estate off Priory Way across a car park owned by the Borough Council.



Figure 1: Indicative Layout



Figure 2: Proposed Access

10. In support of the application the following documents have been submitted:

Statement of Community Involvement

11. A public exhibition was held at the Tenterden Leisure Centre on 18.9.14 to seek feedback on the proposals and understand issues of concern. Approximately 70 people attended with 23 written responses received, 17 expressing opposition to the proposals, 3 saying don't know and 4 replying yes or yes with reservations.

Affordable Housing Statement

12. The proposals include 35% affordable housing in line with current policy requirements. A proposed affordable property mix is outlined with an

emphasis on the provision of smaller affordable properties in line with the recommendations of the 2010 Housing Needs Survey.

S106 Heads of Terms

13. Draft Heads of Terms anticipate financial contributions being required towards education, public libraries provision, Public Rights of Way, policing, highways and affordable housing. Other potential contribution areas are acknowledged as Community Learning, Youth Services and Adult Social Care.

Landscape and Visual Impact Assessment

14. This report, which comprises a baseline study and photographic survey, concludes that with careful consideration it should be possible to create a form of development that enables a sensitive transition between the urban and rural environments and has no significant adverse impact on the adjacent AONB.

Flood Risk Assessment

15. The site lies in Flood Zone 1 and is therefore at low risk of flooding.

Arboricultural Report

16. 45 individual trees and 19 groups of trees were recorded on the site. These are overwhelmingly broadleaved deciduous and located along the borders of the site. Larger trees are mostly English Oak with a number of mature crack willows also present. None were considered to be of high value. The presence of one or more TPOs on the site was noted but not clarified. At this stage all issues that may have an impact on trees were not considered in detail and the arboricultural impact assessment is of a preliminary nature.

Transport Assessment

17. Manual traffic counts were undertaken on 20 May 2014 of two junctions, Shrubcote/Priory Way and Shrubcote/Appledore Road, in order to quantify existing traffic flows and directional patterns along the local highway network. Trip generation modelling was applied to the level of residential development proposed in the application. These assessments conclude that the additional development traffic resulting from the proposed development would not have a detrimental impact on the surrounding highway network.

Extended Phase 1 Habitat Survey

18. Two Extended Phase I Habitat Surveys were undertaken of the application site in February and October 2014. Such surveys provide information relating

to the presence of protected species habitats within the site and identify potential for and, if apparent, evidence of use by protected species within the site and recommendations for further surveys if needed.

19. Great Crested Newts (GCN): given the high density of ponds in the locality of the site with 26 ponds identified within 500m and nine within 250m of the site, terrestrial and aquatic habitats for great crested newts were identified here. Despite not all ponds being made available for inspection, recent records identified a number of species of newts on site and the Kent Reptile Advisory Group (KRAG) consider the level of amphibians in the surrounding area to be above average with a high likelihood that GCNs are present in the surrounding pondscape.
20. In the light of these findings presence/absence surveys were undertaken of 3 ponds where access was possible. GCNs were identified in one of the ponds surveyed and resultant counts were evaluated as being of County Importance and qualifying for consideration as a Site of Special Scientific Interest. The ecology reports conclude that applying Natural England's Licence Risk Assessment, which considers the potential for death or injury to animals, to such results would have a result of Red or Highly Likely.
21. Mitigation measures are therefore proposed with the acknowledgement that no such mitigation work can be undertaken until a Great Crested Newt European Protected Species licence from Natural England has been obtained and approved. Mitigation strategy proposed is based on the creation of two receptor areas one along the south western boundary of the site where it abuts the Ashenden Gill Local Wildlife Site and BAP Priority Habitat and the second running north from this, into which the species would be moved, the erection of exclusion fencing, a period of trapping and translocation of reptiles and GCNs, native planting areas to maintain population connectivity as well as monitoring surveys post development.
22. Reptiles: The Kent Reptile and Amphibian Group (KRAG) consider the level of reptiles in the area surrounding the site to be above average including slow worm and grass snake which have been recorded towards the northern edge of this area. Numbers of heat traps were therefore placed throughout the site, and despite disturbance to these trials by the removal of many of these during the course of survey the presence of common lizards, slow worms and grass snakes were recorded in significant numbers throughout the site. The surveys show that the site supports an exceptional population of slow worms and grass snakes and a good population of common lizards. The site is therefore classified as a Key Reptile Site and is considered to be of County Importance. Mitigation measures are proposed and are as set out for GCNs.

23. Bats: At least 8 species of the 15 species of bat recorded in Kent have been recorded using this site. A bat roost was identified together with the use of the site for foraging and commuting.
24. As a result, extensive mitigation measures would be required. It was considered that the greatest impact from the proposed development on the bat assemblage would be from the increase in lighting and therefore the creation of two extensive light sensitive zones is suggested together with the use of minimal lighting, narrow spectrum bulbs, reduced height of lighting columns, embedded road lights, imposing limits on times lights are on, and the erection of temporary close boarded fencing to shield sensitive areas from lighting the provision of bat roosts. It is also recommended that existing vegetation is retained and generous planting of locally sourced native trees is undertaken.
25. Badgers: Evidence of badger presence was identified with a latrine and likely sett observed on site. Further survey revealed further latrine pits on site and marking of territory indicating use of the site for foraging in addition to a likely sett in the area with signs of recent and regular use. It is evident that the whole site could be within the territorial area and foraging range of any badgers occupying the holes identified in Ashenden Gill wood. Mitigation would therefore be required, in this instance for the loss of badger foraging territory. These should involve maintaining and creating green corridors. Generous planting of fruit trees should also be included in the landscape designs to encourage invertebrates and foraging resources for mammals.
26. Dormice: have been recorded less than 3km of the site. However, no dormice were recorded in further surveys so impacts on small mammals are considered to be low and there are no further recommendations.

Site Geology and Infiltration Assessment

27. This report considers the suitability of the subsurface for the installation of infiltration SuDS such as soakaways, infiltration basins and permeable pavements. It concludes that the subsurface is probably suitable for infiltration SuDS, that increased infiltration is unlikely to result in ground instability and that the ground water in areas of the site may be vulnerable to contamination.

Planning Statement

28. Summarises the site, the policy context for the proposals and a number of aspects of the scheme, together with the documents that make up the application.

Design and Access Statement

29. Describes the character and townscape of Tenterden, the historic, topographical and environmental context of the site and an indicative overarching design approach to the proposed new development here.

Planning History

30. 14/00011/EIA/AS – Screening opinion application – EIA not required.
31. TPO T151/49/60 dated September 1994 covers 8 willows on the site.
32. A significant portion of this site has, been previously submitted for consideration as a residential land allocation through the Strategic Housing Land Availability Assessment (SHLAA) process in the preparation of both the Core Strategy and Tenterden and Rural Sites DPD. In both instances the site was rejected as unsuitable for allocation given its location, which was deemed to be remote from the town centre, and that it would have a significant impact on the adjoining listed buildings and would constitute a further piecemeal extension of the existing Shrubcote estate. It has been proposed again as part of the current SHELAA for the emerging Local Plan.

Consultations

Ward Member: The Ward Member is a Member of the Planning Committee

Tenterden Town Council: objects to this application on the grounds that:

- (a) the proposed development would be contrary to the extant local plan,
- (b) the access is not considered to be safe,
- (c) the infrastructure is not in place to serve a development of this scale at this location,
- (d) the proposed development poses a risk of contamination to the surrounding countryside,
- (e) the wildlife at this location would be negatively impacted by the proposed development

KCC Highways and Transportation: objects on the following grounds

- i. The proposals do not provide 2 means of access onto the public highway, which is required for any development of over 50 dwellings.

- ii. The Transport Assessment fails to undertake junction modelling of local roads within close proximity to the application site. KCC Highways and Transportation cannot therefore be assured that the proposals will not have a negative impact on the local highway network. The A28 corridor between the B2080 junction and East Cross junction is congested in peak hours and so it is therefore imperative that if the applicant seeks to resolve KCC Highways and Transportation objection on the application that this junction modelling work is undertaken.
- iii. Currently Shrubcote and Priory Way is heavily parked at evenings and at weekends. A 12 hour parking survey during a normal weekday and at a weekend (7am to 7pm) to assess the impact of the current parking demand and future development flows on Shrubcote and Priory Way is therefore required.

Amendments may be possible to overcome these objections.

KCC Economic Development: no objection subject to a planning undertaking/obligation securing financial contributions to Primary and Secondary Education, Community Learning Youth Service Libraries Adult Social Care and two of the dwellings being wheelchair accessible.

Cultural Services: Objects. The development layout has made no provision for the required public open space (0.472ha) and insufficient room has been allowed for the SUDS retention areas. It is most unlikely, given the site constraints, that sufficient suitable space can be provided without a significant reduction in the number of dwellings proposed. The proposals submitted therefore do not demonstrate that the proposed number of dwelling can be accommodated on this site. In addition, there are concerns regarding the acceptability of the proposed refuse/recycling collection arrangements.

Southern Water: There is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. Request an informative requiring the developer to enter into a formal agreement with SW to provide the necessary sewerage infrastructure required to service the development.

As a SUDS scheme is proposed drainage details should specify responsibilities and a timetable for implementation and a management and maintenance plan for the lifetime of the development to avoid inundation of the foul sewerage system.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Councils technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Project Office (Drainage): raise **no objection** commenting that the applicant has submitted a very thorough Flood Risk Assessment (FRA) and SW Drainage Strategy which recognises the requirements of the SUDs SPD. They welcome the proposed use of SUDs and would welcome the following being addressed prior to the granting of any full permission:

- The opportunity exists to introduce tanked permeable paving to low trafficked areas within the development and open swales/conveyance channels in some locations which would further treat the water before discharging into the environment;
- Introduction of low catchers on all roof gutter downpipes connected to water butts or similar storage provision to recycle rainwater for irrigation of their gardens;

Environmental Services: Raise **no objection** subject to the imposition of a condition to require in the event that unexpected contamination is found, that an investigation and risk assessment is carried out and where remediation is necessary a scheme is developed to ensure that risks from land contamination is minimised.

High Weald AONB: objects. The Landscape and Visual Impact Assessment (LVIA) submitted in support of the proposal has concentrated on the visual impact of the development by looking at views to the site and while this is welcome, an assessment of a number of principle views is not sufficient to explain and/or justify the development's potential physical effect on the AONB or its setting. Given the proximity of the site to the High Weald AONB, the proposed development should be carefully appraised against all the key landscape components and each objective in the AONB management plan. The significance of the adjacent historic routeway that runs along the eastern edge of the proposed development site, which could have its origins before 1700 AD has not been addressed. In particular, there may be associated boundary banks of importance from both an historic and biodiversity perspective, which, among other things, may require specific measures to protect the routeway from inappropriate siting of the new houses and gardens, and damage during and after the construction phase.

The LVIA states that the presence of the adjacent urban area to the north has already heavily influenced the development site 'so the immediate impact of the proposed development is likely to be relatively limited' but no evidence is provided in support of this assertion. Assuming the LVIA is correct (i.e. that housing estates heavily influence the adjacent countryside), it is reasonable to assume there is a risk the proposed development, if built, will itself heavily influence the current rural landscape character of the adjacent open countryside and the AONB and change it for the worse to 'urban edge.'

Given the points above more work needs to be done to thoroughly understand the potential effects of the development and provide in-depth details on how harm to the

adjacent AONB, its setting, and the surrounding countryside including the nearby designated Ancient Woodland may be avoided.

Environment Agency: No objection to the proposed development. Recommend that the surface water drainage scheme includes consideration of exceedance events to ensure that during extreme rainfall events runoff is routed safely away from the residential properties.

KCC PROW: The application identifies diversions would be required in order to achieve the proposed layout. The successful making and confirmation of an Order should not be assumed. A condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment would be required.

In addition, the response from KCC Highways and Transportation that two means of access will be required is noted. Should the applicant seek to use the track that restricted byway AB35A passes along, would object unless a condition was included requiring the track to be constructed to Highway standard and adopted by Kent Highway Services.

Ramblers Association: No objection to the proposal provided that parking spaces are not placed on the line of the public footpath where it crosses the proposed new extension of Priory Way.

Natural England: Advise that advice is sought from the High Weald AONB Unit. Has not assessed this application and associated documents for impacts on protected species, instead referring officer's to their standing advice to be applied to the consideration of this application.

Tenterden & District Residents Association (TDRA): Objects to this application. This would be a complete disregard of previous agreements with the Council for the town's Core Strategy, limiting growth within Tenterden to the circa 450 dwellings to be located on the TENT 1A and B sites abutting Smallhythe Road until at least 2021. There are no effective proposals to upgrade the local infrastructure, mitigate the probable impact of the additional cars on local traffic and parking and expansion to community services. This is not what a majority of local residents want.

Weald of Kent Preservation Society (WKPS): objects to the application. Tenterden Town has a core development strategy based around TENT1A and TENT1B which allows for controlled compact development within the town area. This was drawn up and agreed upon by consultation with local residents. The Tilden Gill Road development proposal is not part of this agreement. It would place additional strain on already oversubscribed town primary schools and doctors' surgeries. The proposed site should have at least two access points and this plan has only one. The additional traffic generated will create problems both in the Shrubcote estate, where street parking is already a problem, and on the local

highway network. This is a speculative development beyond the agreed plans of Tenterden Town Council and the Ashford Borough Council Core Strategy.

Neighbours: 95 were notified; 174 letters of objection received, including a petition of letters from 104 residents/signatories, expressing the following concerns:

- Blatant attempt to pre-empt the new Borough Plan;
- Undermines the community consultation process which determined that Tent1A and B are the preferred locations for Tenterden's expansion;
- Developer has failed to provide the development with sufficient dual access points to public highways and as a result will have negative effects on nearby junctions and roads;
- Site is home to many protected species such as great crested newts. It will have an adverse effect on exceptional sites for grass snakes and slow worms and a detrimental effect on the local avian wildlife, such as the destruction of night roosting sites for nightingales, destruction of sites for various breeds of woodpeckers and owls and over 30 other breeds;
- Local ecology is directly in danger due to the proposed development.

Letter received on behalf of the Belgar Residents Group

- Does not comply with the development plan;
- Concerned about the impact on the setting of the listed buildings at Belgar;
- Question whether an emergency point of access could practically or lawfully be provided;
- Provision of additional hard surfaced footpaths would lead to inappropriate urbanisation in a rural area but without the majority of the site is a considerable distance from the centre of Tenterden and therefore is not in a sustainable location for the size of development proposed;
- Flood and drainage;
- Ecology including lack of a detailed mitigation strategy for slow worms and grass snakes and the lack of a detailed GCN survey covering all the ponds in the area.

Planning Policy

33. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013.
34. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP10 – Conserving and enhancing Tenterden’s special character

GP12 – Protecting the countryside and managing change

EN9 – Setting and entrances to towns and villages

EN10 – Development on the edge of existing settlements

EN30 – Nature Conservation Sites

EN31 – Important Habitats

EN32 – Important Trees and Woodland

LE5 – Equipped public open space (policy formally saved but standards and thresholds superseded)

LE6 – Off site provision of public open space (policy formally saved but standards and thresholds superseded)

LE9 – Maintenance of open space

CF19 – New health care centres

CF21 – School requirements

Local Development Framework Core Strategy 2008

CS1 – Guiding principles to development

CS2 – The Borough wide strategy

CS6 – The rural settlement hierarchy

CS8 – Infrastructure contributions

CS9 – Design quality

CS10 – Sustainable Design and Construction

CS11 – Biodiversity and Geological Construction

CS12 – Affordable Housing

CS15 – Transport

CS18 – Meeting the Community's needs

CS20 – Sustainable Drainage

Tenterden & Rural Sites DPD 2010

TRS2 – New residential development elsewhere

TRS17 – Landscape character and design

TRS18 – Important rural features

TRS19 – Infrastructure provision to serve the needs of new developments

35. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Residential Space & Layout Standards SPD 2010

Residential Parking SPD 2010

Public Green Spaces & Water Environment SPD 2012

Sustainable Drainage SPD 2009

Sustainable Design & Construction SPD 2010

Affordable Housing SPD 2009

Landscape Character SPD 2011

Dark Skies SPD 2014

Government Advice

National Planning Policy Framework 2012

36. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Assessment

37. The main issues for consideration are:
- Principle of the development in relation to the Development Plan and housing land supply;
 - Impact on highway network;
 - Impact on visual amenity including the High Weald AONB;
 - Ecology;
 - Impact on the setting of listed buildings
 - The need for a planning obligation

Compliance with the Development Plan and Housing Land Supply

38. This outline application proposes a development of up to 100 dwellings on a greenfield site on the south eastern fringes of the built up area of Tenterden. The site is not identified in the Development Plan for development. It lies in the countryside where new residential development is specifically resisted and as this report explains results in unacceptable impacts which are also contrary to Development Plan policy. The proposals represent a significant departure from the adopted Development Plan.
39. Paragraph 14 of the NPPF advises that planning permission should only be granted against the Development Plan where the plan is absent, silent or out of date and where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of development. Paragraph 49 of the NPPF defines "up to date" as equating to being able to demonstrate a five year supply of deliverable housing sites in the Borough. The applicants contend that the Development Plan is out of date and that the council cannot demonstrate a 5 year supply of housing land in accordance with paragraph 49.

40. Ashford has a well-established track record of up to date development plan making and continuous adopted local plan coverage. The Tenterden and Rural Sites DPD was adopted in 2010 with its housing allocations being derived from the Core Strategy target for the rural parts of the Borough for 2006 – 2021, adjusted for housing completions between 2006 – 2008. This housing strategy for the rural areas of the Borough was deemed by the Local Plan Inspector to be consistent with the Core Strategy and with national policy. Furthermore the Inspector concluded that sufficient development has been allocated and in the right place in accordance with the principles set out in the Core Strategy, that it was deliverable and that the site selection process had been adequately robust.
41. Work on the review of the Core Strategy is currently well underway, with a Regulation 18 Consultation Draft scheduled to be released in summer 2015. As part of the preparation of this emerging Local Plan, an updated SHMA for the Borough was produced, by GL Hearn and Justin Gardner Consulting, in August 2014. This provides the up to date objectively assessed need for the Borough. With regard to housing land it is considered that the Borough has a five year supply of deliverable housing sites. The development plan is therefore far from being absent, silent or out of date and this application is therefore contrary to the NPPF.
42. The Council is currently in the process of reviewing the existing Plan base for the borough through the emerging Local Plan to 2030. A smaller version (3.44 ha) of the application site was submitted in response to the Council's 'call for sites' exercise in 2013/14 and has recently been considered against a range of objective criteria through a Sustainability Appraisal process. As a consequence of that process, the submitted site is not considered to be suitable for residential development and therefore is not being considered as a potential site allocation in the emerging Local Plan.
43. Furthermore, the NPPF advises that the development plan should only be overridden where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of development.
44. In this instance, the application site is one which has been suggested for allocation for residential development previously as part of both the Core Strategy and TRS DPD preparation processes. In both instances it has been considered unsuitable and unsustainable as an allocation for residential development. There are no material changes to alter this conclusion. Indeed, conclusions that the site is not suitable for the nature and scale of residential development proposed in this application is strengthened by the results of the ecology survey work submitted, and by the concerns expressed by the Highways, Cultural Services and the High Weald AONB as well as those of local residents and organisations. These matters are dealt with in more detail in subsequent paragraphs.

Impact on highway network

45. The proposals do not provide the two means of access onto the public highway, required for any development of over 50 dwellings. The Transport Assessment fails to undertake junction modelling of local roads within close proximity to the application site. Furthermore, Shrubcote and Priory Way are currently congested at evenings and at weekends. A 12 hour parking survey during a normal weekday and at a weekend (7am to 7pm) is therefore required to assess the impact of the current parking demand and future development flows on Shrubcote and Priory Way.
46. Although it may be possible to overcome the safety concerns of KH&T the development will also negatively impact upon the convenience of current users of the existing residential streets. These streets are congested with vehicles and access is constrained.
47. Given these concerns, and that KH&T cannot currently be assured that the additional traffic generated by these proposals would not have a negative impact on the local highway network; I am not satisfied that the proposed access to serve up to 100 new dwellings could be provided in a way which would be safe and would not adversely impact upon the convenience of existing users of these roads.

Impact on visual amenity

48. The Core Strategy (Policy CS1) seeks to protect the character of the countryside, landscape and villages from adverse impacts of growth. This development would result in a fundamental and adverse change to the character of this site to its detriment. This particular area provides an attractive and intimate landscape surrounding the listed buildings and also forms an important landscape buffer between the built up edge of the town and the High Weald Area of Outstanding Natural Beauty (AONB). This adverse impact is intensified because of the close relationship of the site to the AONB which immediately adjoins the south eastern boundary of the site, with a small area of the site itself lying within the AONB. Paragraph 115 of the NPPF affords great weight to conserving landscape and scenic beauty of AONBs. The proposals therefore fall to be considered in terms of their impact on the AONB and its setting. In addition, the Ashenden Gill LWS abuts the south western corner of the site. An Ancient Woodland, and BAP Priority Habitat, this heavily wooded steeply sloping valley is an attractive local landscape feature which contributes to the overall rural character of this area.
49. The character of the AONB landscape here on the southern edge of Tenterden is open, with attractive long views across the agricultural fields, woodland shaws, orchards and hedgerows which fall away gently to the south. As such the site is highly visible from the AONB. The proposed

development would represent a significant extension of the built up area of the town towards, and in places, immediately up against and within, the AONB boundary. The High Weald AONB Unit has raised concerns that such an extension would risk harming the landscape character here. The indicative layout and supporting documentation submitted fails to demonstrate that there has been any attempt to address the protection and enhancement of key landscape components of the High Weald in this application.

50. For these reasons, I consider that the proposals would have an undoubtedly urbanising and intrusively detrimental impact on the setting of the AONB and would fail to conserve the landscape and scenic beauty of the High Weald AONB.

Ecology

51. The ecology surveys demonstrate, despite being denied access to some of the ponds and the disturbance and removal of heat trap mats during the duration of the survey work, that this site supports an exceptional population of slow worms and grass snakes, a good population of common lizards together with a population of great crested newts (GCN) at a level that is of County Importance and one that would qualify the site for consideration as a Site of Special Scientific Interest. The site is also classified as a Key Reptile Site and is considered to be of County Importance.
52. In addition to significant populations of GCNs and reptiles, bats and badgers were also found to be using the site, particularly for foraging and commuting.
53. All common reptile species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 against intentional death or injury. GCNs are also fully protected by the Conservation of Habitats and Species Regulations 2010 such that the animals, their eggs and the habitats they use for rest or shelter are protected including both aquatic and terrestrial habitats. Therefore consideration must be given to the potential of death or injury to individual newts and no work could be undertaken on this site unless and until a Great Crested Newt European Protected Species licence from Natural England has been approved. Evidence that the risk of death or injury to GCNs as a result of these proposals has been assessed as highly likely. For these reasons I consider that the risk of harm to significant populations of protected species to be such as to seriously threaten the ecology of this site.
54. As a result of the extent of the presence of protected species here, extensive mitigation measures would be required in order to protect such significant populations of protected species here. In the case of GCNs and reptiles, two receptor areas into which the species will be moved are proposed and the erection of exclusion fencing, a period of trapping and translocation is also

- recommended. Native planting areas to maintain population connectivity should also be created as well as monitoring surveys post development.
55. In terms of bats, the creation of two extensive light sensitive zones is recommended together with the use of minimal lighting, narrow spectrum bulbs, reduced height of lighting columns, embedded road lights, imposing limits on times lights are on, and the erection of temporary close boarded fencing to shield sensitive areas from lighting the provision of bat roosts. It is also recommended that existing vegetation is retained and generous planting of locally sourced native trees is undertaken. With regard to badgers, green corridors should be created and maintained together with generous planting of fruit trees to encourage invertebrates and foraging resources for mammals.
56. Such mitigation measures would clearly impose significant restrictions on the suitability of the site for large scale residential development and are not adequately addressed or demonstrated in the application plans which are markedly inconsistent with those in the ecology reports recommendations. In particular, the submitted indicative layout includes housing and access roads in areas recommended as light sensitive zones, only one wildlife corridor is proposed and the two receptor areas are modest in area and encircled in the case of Receptor Area A by access roads and a pumping station on all sides. The provision of community orchards as referred to in the Planning Statement is entirely absent from the application plans which fail to include the generous planting of fruit trees recommended in the applications ecology reports. This inconsistency between the applicant's own ecological reports and the illustrative drawings calls into question the capacity of the site to accommodate the numbers of dwellings proposed in the application.
57. Under the Natural Environment and Rural Communities Act 2006 the Council must have regard to conserving biodiversity. Under the Habitats Directive, the Council must prohibit deliberate disturbance of protected species (which include great crested newts and pipistrelle bats) and the deterioration or destruction of their breeding sites or resting places. This development would result in significant and irreparable harm to the ecology in this area and there is no benefit of sufficient significance to override this harm. Similarly, as addressed above, there is no justification for the release of additional land for residential development in Tenterden other than through the Development Plan process. Exceptions can be allowed and the applicant has provided details of proposed mitigation. However, for the reasons given above, I am not satisfied that the development could accommodate the necessary mitigation or overcome the serious harm to biodiversity. The development is therefore contrary to Core Strategy Policy CS11, the NPPF and the Habitats Directive.

Impact on setting of listed buildings

58. Belgar Farmhouse, now known as Belgar, is an L shaped 2 storey Grade II listed farmhouse dating from the 15th century. It forms a group with a timber-framed Grade II listed barn of five bays with brick infilling and a queen post tiled roof which has been converted into two residential properties, Old Belgar Barn and Weavers Barn. Together with Belgar Oast House these buildings are an attractive feature in the landscape here to the south of Tenterden, their rural vernacular heritage reflecting the farmland setting of the town. The application site surrounds this small cluster of listed and historic buildings on three sides.
59. The open and undeveloped nature of these listed buildings was clearly identified by the Inspector into the Tenterden and Rural Sites DPD as an attractive and important component of their setting. For this reason the Inspector concluded that development here which would result in the removal of the attractive area of open land and orchard between the existing housing development to the north and the listed buildings, was unacceptable. There have been no material changes to the circumstances of these buildings to alter such a conclusion.
60. The NPPF requires that the impact of proposed development on the significance of heritage assets is considered. Section 66 of the Listed Buildings Act also requires the Council to have special regard to the desirability of preserving the setting of listed buildings. In this instance the proposed development of 100 dwellings and associated infrastructure immediately encircling these properties will considerably alter their setting, harmfully and completely removing its openness.
61. An illustrative layout submitted as part of the application proposes mitigation measures to minimise any overbearing juxtaposition of the new dwellings with this group of listed and historic buildings, including locating allotments and a meadow area and the retention of trees on the boundaries between the site and these existing dwellings.
62. However, the scale, nature and quantum of development proposed in this application reduces the extent of landscaping and open space provision that could be achieved and that would be required to retain an appropriate level of openness commensurate with the protection of the setting and rural heritage of these buildings. Such a loss of the open setting of the listed buildings would have a harmfully cramped and visually intrusive impact on the listed buildings themselves and their setting.
63. I conclude that the harm that would arise to the setting of the listed buildings would be substantial and outweighs any potential benefits in this instance.

Planning Obligations

64. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
65. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.
66. However, as a suitable Agreement has not been concluded the scheme is unacceptable.

Table 1 Planning Obligation

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
1.	<p>Affordable Housing</p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (2 dwellings), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p>60% affordable rent units</p> <p>40% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to Core Strategy policy CS12, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
2.	<p>Carbon Off-Setting Contribution</p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the occupation of each dwelling</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>
3.	<p>Outdoor Sports Pitches</p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated</p>	<p>£1,589 per dwelling for capital costs</p>	<p>Contributions on occupation of every 20 dwellings .</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
	facilities and maintenance thereof	£326 per dwelling for maintenance		<p>and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	Strategic Parks Contribution towards maintenance of or improvements to Tenterden Recreation Ground	£47 per dwelling	Contributions on occupation of every 20 dwellings .	Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	<p>Informal/Natural Green Space</p> <p>Contribution towards provision of or improvements to informal/natural green space and associated facilities and maintenance thereof</p>	<p>£434 per dwelling for capital costs £325 per dwelling for maintenance Less a pro-rata</p>	<p>Contributions on occupation of every 20 dwellings .</p>	<p>Necessary as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
		reduction for any informal/natural green space provided on site in accordance with the SPD		<p>pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	Voluntary Sector Contribution towards the provision of premises and facilities for use by voluntary organisations and towards community development and voluntary sector activity within the same settlement or in a	£83 per dwelling	Contributions on occupation of every 20 dwellings	Necessary to provide additional voluntary sector capacity required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19 and guidance in the NPPF.

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
	reasonably accessible alternative location			<p>Directly related as occupiers will use the voluntary sector and the additional capacity to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development.</p>
7.	<p>Children’s and Young People’s Play Space</p> <p>Contribution towards provision of or improvements to children’s and young people’s play space and associated facilities and maintenance thereof</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Contributions on occupation of every 20 dwellings .</p>	<p>Necessary as children’s and young people’s play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children’s and young people’s play space and the play space to</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p>Allotments</p> <p>Contribution towards provision of or improvements to allotments and associated facilities and maintenance thereof</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Contributions on occupation of every 20 dwellings .</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Tenterden and Rural Sites DPD policy TRS19, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.	<p>Primary Schools</p> <p>Contribution towards additional secondary school places</p>	<p>£590.24 for each flat and £2360.96 for each house</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Contributions on occupation of every 20 dwellings .</p>	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer Contributions/Planning Obligations SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
10.	Secondary Schools Contribution towards additional secondary school places	£1272.90 for each flat and £5091.60 for each house £0 for any 1-bed dwelling with less than 56 m2 gross internal area	Contributions on occupation of every 20 dwellings.	Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Local Plan policy CF21, Tenterden and Rural Sites DPD policy TRS19, Developer Contributions/Planning Obligations SPG, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>
11.	<p>Library Facilities</p> <p>Contribution towards the construction and/or equipping of library premises within the same settlement or in a reasonably accessible alternative location</p>	<p>£213.14 per dwelling</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Contributions on occupation of every 20 dwellings</p>	<p>Necessary as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
12.	<p><u>Community Learning</u></p> <p>Contribution for community learning services in the area</p>	<p>£34.45 per dwelling</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Contributions on occupation of every 20 dwellings</p>	<p>Necessary to ensure support for community learning in the area to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				<p>facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
13.	<p><u>Youth Services</u></p> <p>Contribution towards youth services in the area</p>	<p>£51.87 per dwelling</p> <p>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p>	<p>Contributions on occupation of every 20 dwellings.</p>	<p>Necessary as there is no spare youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth service facilities and the facilities to be funded will be available to them.</p>

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
14.	<u>Adult Social Care</u> Contribution towards enhancing community facilities in the area by making them accessible to people with disabilities and enabling telecare services to be installed in homes in the area.	£77.58 per dwelling £0 for any 1-bed dwelling with less than 56 m2 gross internal area	Contributions on occupation of every 20 dwellings	Necessary as additional social services premises required to meet the demand that would be generated pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, KCC Guide to Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF. Directly related as occupiers will use adult social services facilities and the facilities to be funded will be available to them. Fairly and reasonably related in

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
15.	<u>Healthcare Provision</u> Contribution towards improvements to Ivy Court Surgery in Tenterden or other health care services and/or facilities in the area	£504 for each 1-bed Dwelling £720 for each 2-bed Dwelling £1008 for each 3-bed Dwelling £1260 for each 4-bed Dwelling £1728 for each 5-bed Dwelling or larger £0 for any affordable units	Contributions on occupation of every 20 dwellings.	Necessary as there is no spare youth service space available to meet the demand that would be generated and pursuant to Core Strategy policy CS18, Tenterden and Rural Sites DPD policy TRS19, saved Local Plan policy CF19 and guidance in the NPPF. Directly related as occupiers will use youth service facilities and the facilities to be funded will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings and because no

	Detail	Amount(s)	Trigger Point(s)	Regulation 122 Assessment
				payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
16.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

Human Rights Issues

67. I have also taken into account the human rights issues relevant to this application. In my view the "Assessment" section above and the Recommendations below represent 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).

Working with the applicant

68. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

69. The site is identified as countryside in the Development Plan and is not allocated for development. This application would therefore represent a significant departure from the development plan.
70. The NPPF advises that planning permission should only be granted against the Development Plan where the plan is absent, silent or out of date and where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of development. This is not the case here. Ashford has a long track record of continuous up-to-date plan coverage, a five year housing land supply and in the case of Tenterden sufficient land has been allocated in the town to meet its housing need until 2021.
71. Furthermore, the NPPF advises that the development plan should only be overridden where there are no adverse impacts which would significantly and demonstrably outweigh the benefits of development. I have taken account of the public benefits of additional development here in terms of additional revenue from additional dwellings, and the economic benefits of increased employment opportunities and benefits to local retail and commercial businesses in the town, that would arise from the additional construction. However, in this instance,
- ecology surveys demonstrate that the site is home to significant levels of protected species,

- there are concerns over the adequacy of the local highway network to absorb the additional levels of traffic arising from the proposed development
 - the development would adversely affect the character of the countryside which it proposes to develop
 - it would adversely affect the particular character of the High Weald AONB and insufficient evidence has been provided to demonstrate that there will be no adverse impact on the AONB
 - the development will result in unacceptable harm to the open setting of the listed buildings which are located in the centre of the site.
72. Development of the nature and scale proposed would therefore have significant adverse impact on the local environment and highway network.
73. The application site is one which has been suggested for allocation for residential development previously as part of both the Core Strategy and TRS DPD preparation processes. In both instances it was considered unsuitable and unsustainable as an allocation for residential development. There are no material changes to alter this conclusion. The Tenterden and Rural Sites DPD allocates sufficient land to meet the housing needs over the plan period. Any change to the established approach to the southern edge of Tenterden and the allocation of land to meet the future needs of the town should comply with the NPPF and come forward in a properly planned manner through the development plan.

Recommendation

Refuse on the following grounds:

The proposal is contrary to paragraphs 14, 118 and 134 of the NPPF 2012, Policies GP10, GP12, CF19, CF21, EN10, EN30, EN31, LE5, LE6 and LE9 of the Ashford Borough Local Plan 2000, Policies CS1, CS2, CS6, CS8, CS9, CS10(C), CS11, CS12, CS15 and CS18 of the Local Development Ashford Borough Council Framework Core Strategy 2008; Policies TRS2, TRS17, TRS18 and TRS19 of the Tenterden and Rural Sites DPD, the National Planning Policy Framework, article 12 of the Habitats Directive and the advice contained in the following reasons:-

1. This is a large scale housing development on an unallocated site outside the built-up confines of the town of Tenterden in the countryside
2. The proposal fails to provide two means of access onto the public highway and insufficient information has been provided to demonstrate that the local roads and junctions have the capacity to accommodate the traffic that would be generated by the proposed development in a way which would be safe and not adversely impact upon the convenience of existing users of these roads

and that the proposed access would be suitable for fire and rescue and refuse services.

3. Development of the scale and land use proposed would be harmful to the significant populations of protected species that the site is known to support. Insufficient information has been provided to demonstrate that the development could be carried out without serious and harmful impacts on the rich biodiversity of the site or that the necessary mitigation measures for protected species and their habitats could be provided on the site given the quantum of development proposed
4. The proposal would adversely affect the intrinsic character and beauty of this area of countryside and would fail to conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty.
5. The proposed development by virtue of removing in its entirety the open area between the listed properties of Belgar, Old Belgar Barn and Weavers Barn would unacceptably harm the setting of the historic farm buildings complex at Belgar.
6. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact, failing to meet the demand that would be generated and failing to provide affordable housing.
 - a. Affordable Housing
 - b. Carbon Off-Setting
 - c. Outdoor Sports Pitches
 - d. Strategic Parks
 - e. Informal/Natural Green Space
 - f. Voluntary Sector
 - g. Children's and Young People's Play Space
 - h. Allotments
 - i. Primary School
 - j. Secondary Schools
 - k. Library Facilities
 - l. Community Learning
 - m. Youth Services
 - n. Adult Social Care
 - o. Healthcare Provision
 - p. Monitoring Fee

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 14/1420/AS.

Contact Officer: Lucy Holloway

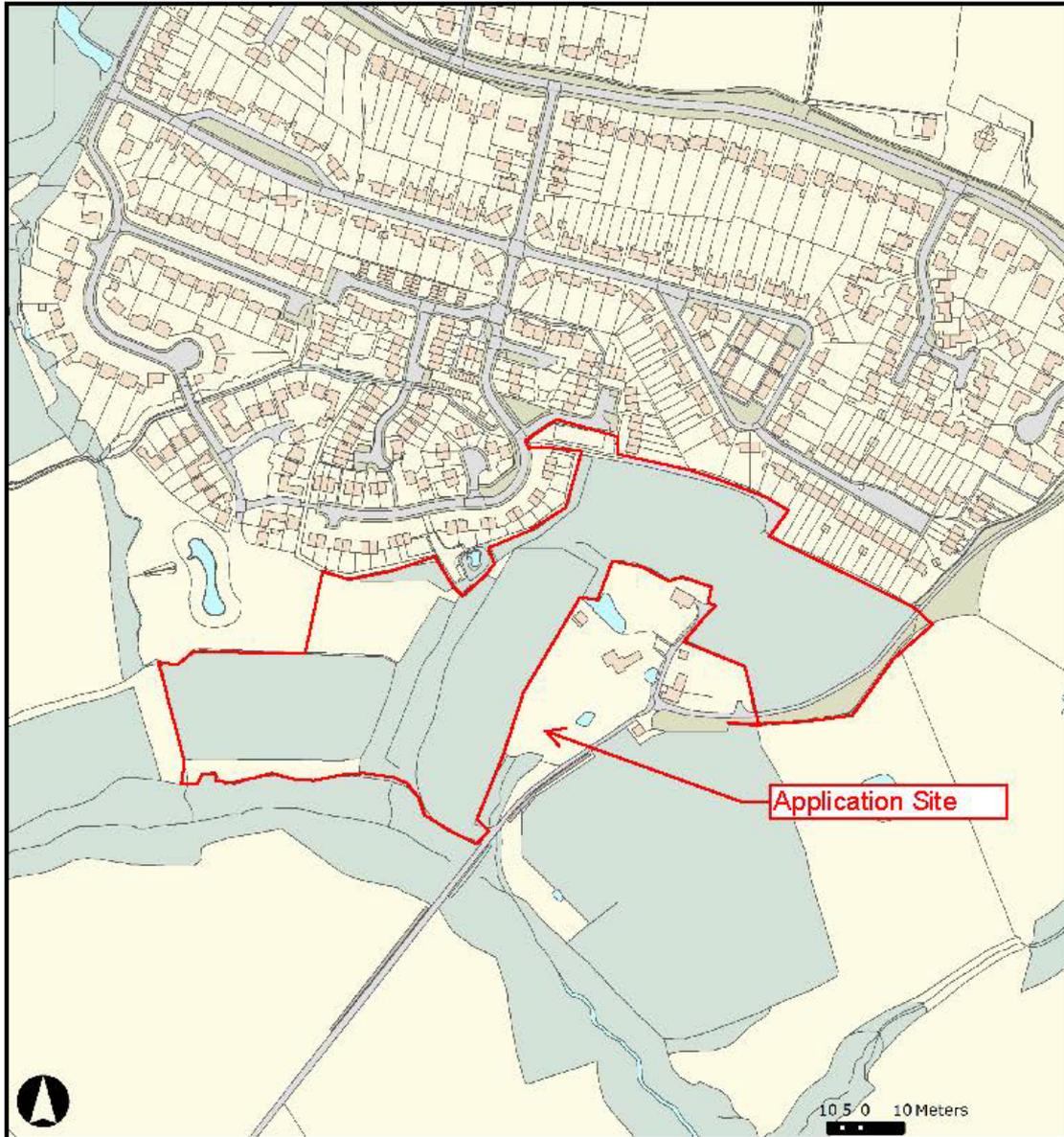
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Annex 1



14/01420/AS: Annexe 1



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