

Application Number	PA/2024/1908
Location	Land between Hillside and Carter House south of Hamstreet Road, Hamstreet
Parish Council	Ruckinge Parish Council; Orlestone Parish Council
Ward	Saxon Shore; Weald South
Application Description	Outline application for the construction of up to 140 new homes, formation of a new access from Hamstreet Road, green infrastructure including landscape planting, habitat creation and open space, drainage infrastructure including a new pumping station, pedestrian and cycle routes, and associated works and infrastructure with all matters reserved save for access.
Applicant	Hallam Land Management Ltd
Agent	LRM Planning Ltd
Site Area	14.39
(a) 1172 'R', 0 'S'	(b) Ruckinge 'R', Orlestone 'R', Aldington & Bonnington 'R', Warehorne 'R', Bilsington 'R', Kenardington 'R'. (c) KHT 'R' / KCC Ecol 'R' / KCC LLFA 'X' / SW 'X' / KCC PROW 'X' / NE 'X' / KWT 'R' / KCC Heritage 'X' / ABC Refuse 'X' / HE 'X' / KFR 'X' / KP 'X' / KCC ED 'X' / NHS 'X' / FC 'X' / UKPN 'X'

Introduction

1. As a result of the number of dwellings proposed, this application has to be determined by the Planning Committee. Members will recall that an application PA/2024/0773 for residential development of the land involving a greater quantum of homes was previously submitted to the Council but, immediately prior to its consideration at the August Planning Committee, was formally withdrawn by the applicant.

Site and Surroundings

- The application site has an area of approximately 14.4ha and is located within two parishes, with the western part of the site being located within Orlestone Parish, and the eastern part of the site being located within the Ruckinge Parish. The majority of the site falls within the Ruckinge Parish. The site is located adjacent to, but outside of the identified Hamstreet village confines and is therefore located within the open countryside.
- The key features of the site and its immediate surroundings are set out in **Figure 1** below. There is a marked change in land levels across the site, with the highest levels being to the north-west of the site, and the levels lowering to the east, west and south from the highest point. The highest point of the site is known as Cotton Hill and has a height of approximately 28aOD. The lowest levels of the site are located to its south-western and south-eastern corners which are at a level of approximately 8aOD. The site currently comprises agricultural land used for growing turf, with landscape features to the site boundaries such as trees and hedgerows. There are no buildings or structures on the site, other than overhead powerlines and associated poles which cross the site from east to west.

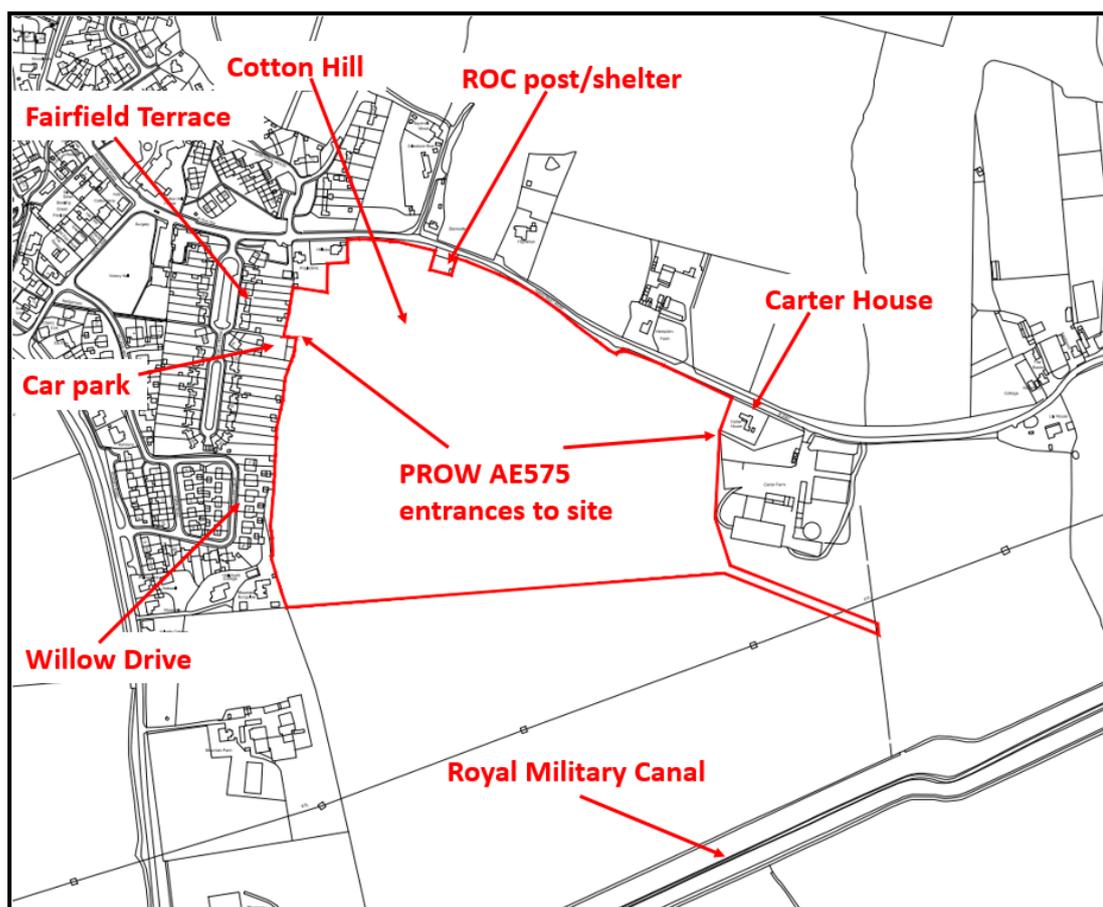


Figure 1 – The site and its surroundings

4. The site is bounded by the rear gardens of dwellings in Fairfield Terrace and Willow Drive to the west, with the settlement of Hamstreet extending beyond to the north-west. The majority of adjacent dwellings on Fairfield Terrace are two-storey and set approximately 40-50 metres from the site boundary, whereas the neighbouring dwellings on Willow Drive are primarily bungalows commonly set 10-20 metres from the site boundary, some of which benefit from extensions that bring them closer to their rear boundary with the site. The adjacent dwellings to the west are set at a lower level than the application site and the boundaries are generally fairly open, with a small number of trees, some hedges and sections of post and wire or timber panel fencing to their boundaries with the site.
5. A telecoms mast is located to the western site boundary, adjacent to a small Council-owned car park for local residents which is set to the rear of 11 and 12 Fairfield Terrace. A Public Right of Way (PROW AE575) enters the site immediately to the north of the telecoms mast and extends across the site from east to west, leaving the site to the east close to an adjoining dwelling at Carter House. The entrance to the site is marked by a stile across the PROW and the land levels rise as you enter the site on the unmade PROW path.
6. To the north, the site is bounded by Hamstreet Road, with a large section of the northern site boundary being marked by a large embankment of up to approximately two to three metres in height leading down from the site to the highway. At its highest point, the site boundary is set away from the embankment to exclude an area of vegetation where an observation shelter and an underground Royal Observer Corps monitoring post are located.
7. To the north-western corner of the site, an overgrown and inaccessible pedestrian access is located onto Hamstreet Road. Moving eastwards along the northern boundary, the land levels within the site lower to a point where it is at the same level as Hamstreet Road towards the north-eastern boundary of the site. The northern boundary is marked by vegetation including trees and hedges.
8. To the north of the site beyond Hamstreet Road there are primarily agricultural fields and Hamstreet Woods. There is also some sporadic residential and commercial development set off Hamstreet Road.
9. To the east, the site is bordered by Carter House, a two-storey dwelling, and Carter Farm which comprises a small number of agricultural buildings of a functional design. Further to the east there are primarily agricultural fields extending towards Ruckinge.

10. To the south of the site is an expanse of flat agricultural land which is set at a lower level than the application site and Romney Marsh beyond. The Royal Military Canal, a Scheduled Ancient Monument, extends from east to west between approximately 280 and 400 metres to the south of the main body of the site.
11. The Hamstreet Conservation Area is located approximately 200m to the west of the site and contains a number of Grade II listed buildings located around The Street and Warehorne Road.
12. The site is located in proximity to a number of protected sites. The site is approximately 105m south of Ham Street Woods SSSI/NNR, 280m north of Royal Military Canal LWS, 390m east of Dungeness, Romney Marsh and Rye Bay SSSI/Ramsar and 1.9km south-east of Orlestone Forest SSSI. The site is also approximately 10km west of Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC), the Dungeness, Romney Marsh and Rye Bay Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) (the 'Dungeness complex').
13. The site is located within Flood Zone 1 which is at the lowest risk of flooding. The site is identified in the Ashford Landscape Character Assessment (2009) as being located within the Old Romney Shoreline Settlements landscape character area, where the overall guidelines are to conserve the landscape. The site is located within the Council's designated 'dark sky zone'.

Proposal

14. Outline planning permission is sought for the development of up to 140 dwellings, including 40% affordable housing and 5% of the proposed homes to be safeguarded for development as self and custom build. The applicant is seeking all matters to be reserved for future consideration save for vehicular access from the Hamstreet Road which has been applied for in detail.
15. An Illustrative Masterplan has been submitted (**Figure 2**) which shows the broad arrangement of dwellings within the residential plots, buffer landscaping, tree planting and open space together with a road layout. As all matters are reserved, other than the vehicular access point into the site from Hamstreet Road, the details shown on this site layout are illustrative and should be treated as such.



Figure 2 – Illustrative Masterplan

16. Alongside the Illustrative Masterplan, parameter plans are provided which, if the outline application is granted, would be used to create the framework for consideration of later submissions for approval of reserved matters:
- Landscape Strategy Plan;
 - Landscape Strategy Plan – Canal Planting;
 - Proposed Parameters Plan.
17. The Landscape Strategy Plan identifies the broad distribution of green spaces across the site, as well as the treatment of these spaces. The Landscape Strategy Plan – Canal Planting shown in **Figure 3** below identifies proposed tree planting on land to the south of the site, close to the Royal Military Canal, which is included within the application's blue line as being land within the applicant's control but not within the application site itself.

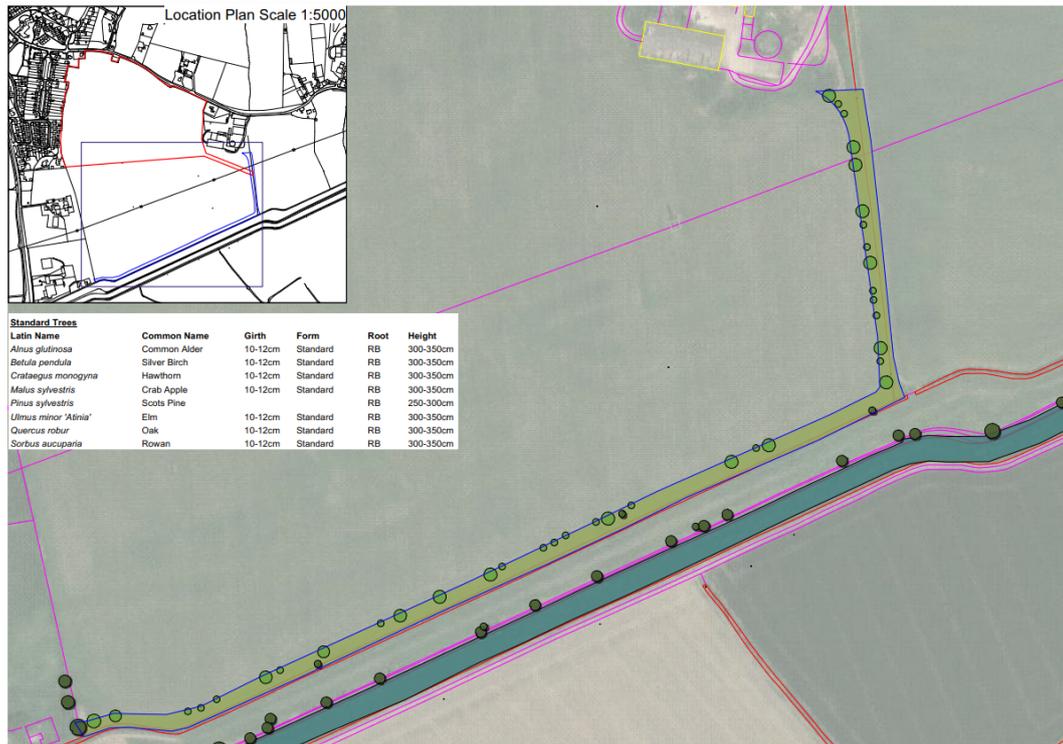


Figure 3 – Landscape Strategy Plan – Canal Planting

18. The proposed Parameters Plan (**Figure 4** below) identifies the distribution of land uses across the site, as well as maximum building heights and the maximum number of storeys with which any future reserved matters application would need to comply.



Figure 4 – Parameters Plan

19. It is proposed that two adjacent vehicular accesses are provided into the site from Hamstreet Road located to the north – one being the main access and the other being an emergency access located directly to the west of that main access. The emergency access would be for emergency use only. A new stepped (as opposed to ramped) pedestrian access is proposed to the north-west of the site in the position of the existing overgrown and inaccessible access. The applicant is also relying on the existing pedestrian accesses to the east and west of the site (as identified in **Figure 1** above), along the route of the existing PROW AE575 which extends through the Council-owned car park serving adjacent homes, to provide pedestrian access to the site from Fairfield Terrace.

Planning History

20. **PA/2024/0773** - Outline application for the construction of up to 170 new homes, formation of a new access from Hamstreet Road, green infrastructure including landscape planting, habitat creation and open space, drainage infrastructure including a new pumping station, pedestrian and cycle routes, and associated works and infrastructure with all matters reserved save for access. The application was to be reported to the August 2024 Planning Committee with a recommendation to refuse planning permission but it was withdrawn by the applicant prior to the meeting taking place.

Consultations

KCC Highways & Transportation (KH&T) – Additional information is requested regarding the proposed primary pedestrian access to the west of the site that would utilise the route of the PROW, into the small car park serving a number of homes and on to Fairfield Terrace. Whilst this route would not be adopted by KCC, any revisions to the PROW would need to be approved by the KCC Public Rights of Way Team. KH&T advise that to make the routing acceptable, it would require upgrading to make it an all year all weather pedestrian route. Whilst potential improvements to this route have been described in the application, these are ‘potential’ only which have not been secured and the land is not within the applicant’s ownership. The application therefore does not provide measures to warn drivers of pedestrians moving to/from the application site, give priority to pedestrians, keep traffic speeds low, provide lighting to maintain personal security and improve surfacing where required along this route.

The primary routing for pedestrians allowing for people who are mobility impaired, mobility carts and people with pushchairs etc relies on land outside of the control of the applicant. Until such a time that the applicant has evidenced that the landowner, Ashford Borough Council, has provided assurance that they will allow the necessary revisions to take place, and details of those upgrades have been provided for review, KH&T consider that this access route for pedestrians cannot be guaranteed and, in its current state, its intended use to access the development is not acceptable and

therefore the applicant has not demonstrated safe and secure pedestrian access for all users.

KH&T raise no objection to the application in terms of traffic generation or distribution from the proposed development, or the proposed vehicular site access and emergency access onto Hamstreet Road.

KH&T comment that whilst the overarching view on sustainability of a planning proposal lies with the Borough Council, the closest bus stops would be located between 400m and 1km walking distance from the site, shops on The Street would be approximately 900m from the centre of the site, the primary school would be between 1km and 1.6km walking distance from the site and the train station would be approximately 1.2km from the centre of the site. KH&T comment that these distances may not be walkable for some users, although they may be within cycle distance, and therefore recommend that localised pedestrian and bus stop improvements would be required to be secured as part of any proposed grant of permission.

KCC Ecology - Recommend that additional information is provided prior to the determination of the application. This includes:

- Badger Survey Report (FPCR, 2024), Bat Survey Report (FPCR, 2024), Breeding Bird Survey Report (FPCR, 2024), Winter Bird Survey Report (FPCR, 2024), Dormouse Survey Report (FPCR, 2024) and Reptile Survey Report (FPCR, 2024);
- A countersigned District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC) with appended location plan; and
- A revised Statutory Biodiversity Metric which includes individual trees in baseline calculations.

The results for the completed surveys are taken to be preliminary/indicative only until full reports have been submitted. Proposed ecological enhancements not covered by statutory BNG are currently unclear as full species reports have not been submitted. KCC Ecology advise that a 1:1 ratio of integrated bat/bird boxes within additional dwellings as per BS 42021:2022, should be provided.

With regard to the BNG calculations, the baseline BU value submitted within the biodiversity metric and report is incorrect as it omits all onsite trees. As such, the biodiversity metric will be required to be resubmitted with the correct baseline BU values. Notwithstanding this error, the submitted biodiversity metric indicates that the proposals would result in a 52.27% on site net gain of habitats and a 501.91% net gain in hedgerow units. This would be delivered through the enhancement of modified grassland the creation of mixed scrub, the creation of SUDs basins, the creation of woodland, the creation of vegetated garden and the planting of individual urban trees throughout the site. As these gains are considered significant, a Habitat Management and Monitoring Plan (HMMP) would be required and could be secured via planning condition.

The applicant has submitted a shadow Habitats Regulation Assessment (HRA) (FPCR, September 2024) which concludes that the project, both in isolation and in combination, would not have a likely significant impact on the integrity of Dungeness, Romney Marsh and Rye Bay Ramsar and SPA. A HRA would be required to be carried out prior to the project being authorised.

Officer note - Since this consultation response was received, the applicant has submitted the requested protected species surveys, details relating to the District Level Licensing IACPC and updated BNG calculations. KCC Ecology has been consulted on this additional information and their response is awaited. If a response is received prior to the meeting of the Planning Committee then this will either be included within the Update Report, or a verbal update will be given at the meeting.

KCC Lead Local Flood Authority (LLFA) – No objection, subject to conditions.

The LLFA set out a number of advisory comments concerning the following:

- There is a slight calculation discrepancy within areas and rates for Catchment C;
- It is suggested that a more up to date dataset would be more appropriate for the detailed SuDs design;
- Advise the applicant to commit to inclusion of as many source control measures as possible, in order to delay entry to the below ground network and more closely mimic the pre-development condition;
- Recommend that the EA are approached regarding the necessary licenses to be obtained for any increased flows into the Military Canal.

Notwithstanding the above, it is recommended that these matters can be addressed by planning conditions requiring the approval of a final drainage scheme and verification report, as well as the details of the drainage scheme being included within the reserved matters submission, should outline planning permission be forthcoming.

Southern Water – No response received to this application. Nonetheless, Southern Water previously advised (for application ref PA/2024/0773) that reinforcements to the public sewer network may be necessary in order to provide additional foul sewerage capacity to serve the development of this site. Any network reinforcement that is deemed necessary to mitigate the development can be provided by Southern Water. Southern Water also advised that SuDS within the site may be adopted by Southern Water if an agreement is reached with the developer. Conditions are recommended on any approval.

KCC Public Rights of Way (KCC PROW) – No objection, subject to conditions.

Public Footpath AE575 would be directly affected by the development and runs off site both east to Hamstreet Road and west into the centre of Hamstreet and connects with

the surrounding wider PROW network. Request developer contributions of approximately £30,000-50,000 through the appropriate legal mechanism for improvements to the surrounding network (specifically AE575 offsite, AE384, AE558, AE557 shown in **Figure 5** below) due to increased use of the PROW that would result from the development. Funding of the potential works to AE575 offsite to the west through the car park would be subject to a further cost, depending on confirmation of how these improvements would be brought forward.

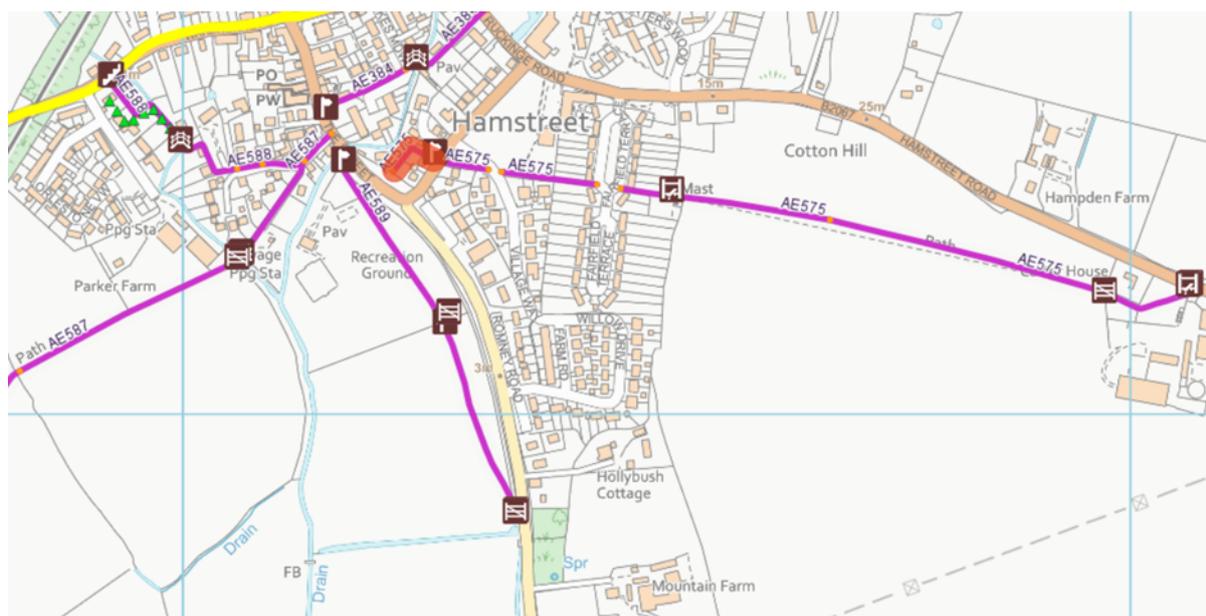


Figure 5 – PROW map

Measures relating to physical works and improvements to Public Footpath AE575 within the red line boundary would need to be addressed within a reserved matters submission, should outline planning permission be forthcoming.

KCC PROW recommend that a PROW Management Plan is provided by planning condition to include measures including all surface improvements, width, crossing details, legal status, new signage for the PROW, as well as the other detailed matters identified in the consultation response.

Natural England – No response received to this application. Nonetheless, Natural England previously commented (for application ref PA/2024/0773), referring to their Standing Advice and Impact Risk Zones to determine whether the proposal impacts statutory nature conservation sites.

Kent Wildlife Trust (KWT) - Raise concerns about the potential impact of the proposed development on designated sites from increased recreational pressure and cat predation. No mitigation measures have been proposed which is of concern given the sensitive nature of these sites and that Ham Street Woods is known to support breeding nightingale and other 'at-risk' species.

The Ecological Appraisal states that surveys have been carried out, however, these documents have not been made available. To fully understand the impacts of the development, and to assess whether appropriate mitigation and/or compensation measures have been put forward, it is recommended that these surveys are made available.

Raise concerns regarding the impact of polluted surface water runoff from the development on the Royal Military Canal LWS.

Consider that several of the proposed habitats that are to be created in order to achieve a Biodiversity Net Gain are unlikely to become successfully established due to competing pressures and site constraints and that further details on the proposed measures and long-term site management should be provided.

Officer note - Since this consultation response was received, the applicant has submitted the requested protected species surveys, details relating to the District Level Licensing IACPC and updated BNG calculations. KWT has been consulted on this additional information and their response is awaited. If a response is received prior to the meeting of the Planning Committee then this will either be included within the Update Report, or a verbal update will be given at the meeting.

KCC Heritage – No objection, subject to conditions.

Advise that reasonable archaeological assessment has been undertaken. The submitted report provides a good brief account of the time-depth and character of the landscape describing the past uses of this area.

Further archaeological mitigation can be addressed through conditions. A phased programme of archaeological works would be needed to ensure as yet unidentified archaeology is recorded, especially associated with the “old lane” along the western side, and the landscape features within the site. In addition, in recognition of the local significance of the WWII military foci on Hamstreet, a programme of heritage interpretation would be required. Measures, such as artwork, landscape design, and/or information boards would contribute to raising awareness, appreciation and enjoyment of Hamstreet’s heritage.

Historic England - No response received.

ABC Refuse – No response received to this application, however previously commented (for application ref PA/2024/0773) raising no objection. ABC Refuse stated that the previous Illustrative Masterplan showed no immediate concerns in respect of front of property collections and pulls outs for the facilitation of waste from his development and identified that if roadways are to remain private then the

developer would be required to apply for an indemnity deed of grant in order for Council collections to take place.

Kent Fire & Rescue – Advise that the access requirements for the Fire and Rescue Service appear to have been met. Should this proposal be approved it would be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5 of the Building Regulations.

Kent Police – No objection. Request a condition requiring the developer to follow SBD Homes 2019 guidance in order to ensure measures to design out crime are incorporated into the development.

KCC Strategic Development and Place – Advise that the development would have an additional impact on the delivery of its services. Request financial contributions as mitigation towards the delivery of their community services relating to primary and secondary education, SEND education, community learning & skills, integrated children's service, libraries, registrations and archives service, adult social care and waste disposal & recycling. The provision of wheelchair adaptable & adaptable dwellings and a S.106 monitoring fee are also sought.

NHS Kent and Medway Primary Care Estates Team – Advise that the development would have a direct impact on the delivery of its services which would require mitigation through the payment of an appropriate financial contribution towards the refurbishment, reconfiguration and/or the extension of an existing general practice and other healthcare premises covering the area of development, or the provision of new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

Forestry Commission – No objection. Referral to standing advice and guidance documents.

UK Power Networks – No response received to this application, however UK Power Networks previously commented (for application ref PA/2024/0773) raising no objection. The previous response stated that there are HV and EHV overhead cables and LV Underground cables on the site running within close proximity to the proposed development. Accurate records should be obtained prior to commencement of work.

ABC Housing – No objection.

ABC Housing advise that the portion of one-bedroom homes should not be too small, suggesting that 10 of the proposed 56 affordable homes should be one-bedroom.

Orlestone Parish Council – Object and state as follows:

“Orlestone Parish Council strongly object to this application and support the many objections put forward. They believe that this application would be contrary to Policies SP1, SP6, ENV1, ENV3a, HOU5, HOU10 and TRA3a of the Ashford Local Plan 2030 and the National Planning Policy Framework and therefore represents development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development. They would like to highlight:

- 1. The site is not allocated in the Ashford Local Plan 2030 for housing development.*
- 2. The proposed development as a result of the scale and layout of development would unacceptably erode a green gap of high amenity value on the edge of the village.*
- 3. The proposal would result in a visually prominent suburban layout and would dilute the existing distinct edge to the village boundary.*
- 4. This development and associated infrastructure on this site would unacceptably urbanise and over-intensify the existing low density of this area to the detriment of the visual amenity of the area, by introducing a form of development which would be inconsistent with the local character of the edge of the village location.*
- 5. The development and associated infrastructure is on an ancient Saxon Shoreline which is a recognized landscape from Roman times. The proposal would change this protected view from all directions.*
- 6. The applicant states that it will install a SuDs scheme to drain water into the Military Canal and that the flow will be managed in storm conditions. Gardens of houses which back onto Sperringbrook which flows into the Military Canal regularly flood under the existing infrastructure and any increase in capacity will adversely affect these houses. Parishioners have already highlighted the difficulty in getting flood insurance as a result of two other recent developments in the Parish. The proposed entrance and access to the site is on a narrow road which historically floods and is prone to landslides. It is therefore not suitable for this large-scale proposal. The applicant also refers to flood risk ‘within the site boundaries’ whereas the flood risk is to the existing infrastructure and occupancy outside of the site.*
- 7. The development falls within the Dark Skies area. A development of this size will have significant impact on that visual amenity.*
- 8. The applicant heavily relies on the use of a proposed cycle path and pedestrian access to justify its impact on the Parish. Indicating that pedestrians and cyclists will promote ‘social cohesion’, which is at odds with the applicant’s own data that stipulates 75% of people use cars. The claim of ‘social cohesion’ benefits are therefore unsubstantiated.*

9. *Traffic from this proposed site will be pushed along country lanes and along narrow residential roads; the volume of traffic will negatively affect the environment, contribute to air and noise pollution and lower the quality of life for those who live here. Not only at the building stage but also after occupancy. The vast majority of traffic will travel along Hamstreet Road along Cock Lane and into Ashford Road. The junction at Cock Lane into Ashford Road is already a spot of collisions due to lack of sight lines and this could potentially become a 'hot spot'.*

10. *The majority of the traffic is likely to move through the centre of the village and no consideration has been given to how this higher density of traffic will affect the village centre.*

11. *The railway station in Hamstreet is not big enough for an increase in car parking or cycle storage. nor is it suitable for commuter travel. The line is not electrified and not reliable; only diesel units can use the line which can cause stock issues resulting in cancellations. Only one train an hour travels to Ashford and a different operating company runs these from those that operate in Ashford resulting in there being no connection policy for London services which leads to long waiting times in Ashford. Due to the length of the platform only 3 coaches are used regularly and at certain times of the day these are at full capacity and would not cope with more passengers. For these reasons, promoting Hamstreet as easily commutable to London is not correct.*

12. *The existing sewage works is not large enough and is currently not coping and beyond its capacity. There is no space at its current location to allow for an extension and numerous lorries visit the works every day just to keep it in operation. Not only is this detrimental to those who live close by but the road and footpaths in the area are breaking up as they were not built to sustain this type of usage. It is a dangerous operating situation with an emergency likely to occur at any moment. To date there has been no response from Southern Water to the Parish Council's enquiries as to what course of action they are taking to cope with capacity at the moment and in the future.*

The applicant is relying heavily on Southern Water to provide services and the parish council argue that this is currently not being done efficiently and there appears to be nothing in place to improve the current situation. Unfortunately, this cannot be controlled or managed by the applicant or borough council.

13. *There have been no public face-to-face consultations relating to this application and due to the scale of this development in relation to the area around it; members argue that this is at odds with Ashford Borough Council's Statement of Community Involvement 2023.*

14. *The Parish Council ask that they be consulted with and included in any discussions regarding S106 funding relating to this development before any decisions are made regarding its allocation.*

In conclusion, members note that this proposed development is an excessive overdevelopment of the area and its appearance would be out of character with the surrounding area. It would adversely impact the safety of the existing public highway and put unsustainable pressure on local resources. Social cohesion would be disrupted caused by a huge ingress of people who have no links to the village. There will be permanent loss of farmland and the village of Hamstreet will be in danger of losing its identity with its border merging into Ruckinge.”

Ruckinge Parish Council - Object and state as follows:

“Ruckinge Parish Council strongly object to the application to construct up to 140 new homes on the land between Hillside and Carter House. The application gives the address of the site as Hamstreet Road, Hamstreet however the vast majority of the site is not within the parish of Orlestone it is within the parish of Ruckinge. Given this fact the application is contrary to the Ashford Local Plan 2030 as it is not located adjacent or close to the built confine of Ruckinge therefore in the countryside and unsustainable.

In terms of the Local Plan Policy SP1 the application site is not brownfield, whilst the current use is for turf production local knowledge states that cereal crops have been grown here for a number of years. Whilst this is only an outline planning application there is little evidence to show that the necessary infrastructure, facilities and services will be available or provision made. The applicant’s own flood risk assessment reports that Southern Water have advised that the existing infrastructure does not have the requisite capacity for the development.

Policy SP2 requires that development in rural areas will be of a scale that is consistent with the relevant settlement’s accessibility, infrastructure provision, level of services available, suitability of site and environmental sensitivity. The allocated sites in the current plan for Hamstreet allow for up to 150 dwellings, the cumulative impact of this proposal is unsustainable. The majority of Hamstreet is situated in a valley and not visible from the wider landscape the proposed site is on a prominent position which will be visible for several miles given the low lying level nature of Romney Marsh.

Policy HOU5 would not be applicable if the site were to be considered as part of Ruckinge as opposed to being located in the neighbouring Orlestone as it is not adjacent or adjoining the agreed built confine of Ruckinge. Should the site be considered against the built confine of Hamstreet then the size of the development is disproportionate to the existing development and committed sites. The proposals provides for a single vehicular entry/exit point on the B2067 which is subject to the National Speed Limit and has no footpaths making this unsuitable and dangerous for pedestrians and cyclists. The level of traffic that will potentially be generated from the development will have an adverse effect on the character of the area as well as the neighbouring parishes.

In terms of the transport plan it does not provide any evidence of the number of vehicles that currently use the B2067 and the potential impact from the development which could potentially generate considerable vehicular movements given the rural locality. It would appear that no regard has been given to traffic leaving the site in the direction of Ruckinge or coming from.

The Interim Travel Plan at table 2.3 specifies the local facilities and the distance from the application site. Whilst the majority are just within the 800m distance for sustainability the Nursery and Primary School at 1.25km are too far and it is unrealistic to expect children attending these to cycle. It will inevitably lead to extra vehicular movements at a time when there are already known traffic issues and congestion in the vicinity of the school.

Policy ENV8 requires that proposals for new development must be able to demonstrate that there are, or will be, adequate waste water treatment facilities in place to serve the whole development. The applicant in their submission via the flood plan has admitted that Southern Water have advised them that the existing drainage system does not have the required capacity, any works to make it possible would take 24 months from gaining permission.

In summary Ruckinge Parish Council objects to the proposals on the grounds that the development is not sustainable given the rural location, detrimental to the visual amenity of the area, the cumulative impact on the existing community and its infrastructure and services.”

Aldington & Bonnington Parish Council – No response received.

Warehorne Parish Council - Object and state as follows:

“This second application for this site will have virtually the same impact on the Residents of Warehorne and Warehorne Parish Council object to the proposed application for the following reasons: -

- The site; which is not included in the 2030 Local Plan; lies outside the Village Confines of both Hamstreet and Ruckinge, therefore it does not meet the conditions of HOU3a in the 2030 Local Plan*
- It fails to meet the majority of the conditions in HOU5 in the 2030 Local Plan*
- The rural road network in the area is unable to cope with an excess of at least another 207 vehicles (using Government statistics for 2022)*
- Most of the infrastructure in the area has reached its limits, whilst the Doctor’s surgery, Village school and the sewer age system have exceeded the limit. Recently Hamstreet has increased in size by 80 properties at The Nightingales and Warehorne increased from 150 properties in 2022 to 206 properties in 2024; including 40 at The Pippins; with other planning applications still awaiting decision. The area from Ruckinge through to Kenardington is unable to accept any further large scale planning*

applications without significant improvements to the complete infrastructure before they take place.

- The proposed application will destroy an area of natural beauty, together with the damaging local wildlife, including endangered species, the appearance and history of the Saxon Shoreline, air and light pollution will be dramatically increased. No applications for this area should be considered.*
- The B2067 between Ruckinge and Hamstreet has experienced two major landslips in recent years due to the instability of the Weald clay, global warming has increased the rainfall in the area and flooding will increase due to 'surface run-off'.*

Bilsington Parish Council - Object and state as follows:

"Bilsington Parish Council object to the proposed development on the grounds of sustainability. The neighbouring Saxonshore parishes will be impacted as they rely upon the services provided in Hamstreet, such as the school and doctors surgery. The applicant's transport assessment centres upon all traffic to and from the proposed site travelling in the direction of Hamstreet to the A2070 with no mention of Ruckinge or beyond. There are no indicative figures provided for existing traffic levels on Hamstreet Road or on projections if the development were to proceed. Given that the latest bus in the evening is 7pm and no Sunday service any development will inevitably lead to the need for private cars on roads that are already heavily used."

Kenardington Parish Council - Object and state as follows:

"The village of Kenardington and the residents will be affected by this proposed development and the Parish Council object to the proposed application for the following reasons: - Recently Hamstreet has increased in size by 80 properties at The Nightingales and Warehorne increased by 56 properties; including 40 at The Pippins; with other planning applications still awaiting decision.

The area from Ruckinge through to Kenardington is unable to accept any further large scale planning applications without significant improvements to the complete infrastructure before they take place.

The site; which is not included in the 2030 Local Plan; and lies outside the Village Confines of both Hamstreet and Ruckinge, therefore it does not meet the conditions of HOU3a in the 2030 Local Plan It fails to meet the majority of the conditions in HOU5 in the 2030 Local Plan

The rural road network in the area is unable to cope with an excess of at least another 207 vehicles (using Government statistics for 2022). The B2067 is becoming a 'rat run' for delivery drivers and commuters travelling from Tenterden to Ashford endangering all users. Rural roads are not designed to be used regularly by HGV's and are disintegrating under the weight.

The sewerage system is already unable to withstand the present usage and without any immediate improvement the situation will worsen. The B2067 between Ruckinge and Hamstreet has experienced two major landslides in recent years due to the instability of the Weald clay, global warming has increased the rainfall in the area and flooding will increase due to 'surface run-off' The proposed application will destroy farmland in an area of natural beauty, together with the damaging local wildlife, including endangered species, the appearance and history of the Saxon Shoreline, air and light pollution will be dramatically increased."

Representations:

A total of 1172 letters of objection have been received regarding the application which primarily raise the following concerns:

- 1) The scale of the development proposed;
- 2) The overdevelopment of the village;
- 3) The erosion of the character of the village and concerns that the village is becoming a town;
- 4) The suburban character of the development proposed;
- 5) The height of the proposed dwellings would be greater than the surrounding development, and commonly being set on higher ground;
- 6) The potential coalescence of Hamstreet and Ruckinge villages and Orlestone and Ruckinge Parishes;
- 7) The impact of the development on community infrastructure, including schools, GP surgeries and dental surgeries;
- 8) The proposed affordable housing not being truly affordable;
- 9) The lack of demand for new housing in the village;
- 10) The detrimental impact on the community;
- 11) The impact of the development on neighbour amenity;
- 12) The lack of reliable public transport in the surrounding area;
- 13) Pedestrian safety/lack of footpaths;
- 14) The walking distances to services would encourage car use.
- 15) The impact on highway safety and capacity, in particular on Hamstreet Road, Ruckinge Road, Cock Lane, The Street and Ashford Road;
- 16) An increased demand for parking on surrounding streets;
- 17) An increase in the use of surrounding streets by unsuitable vehicles such as lorries & tankers;
- 18) The potential for landslips onto Hamstreet Road;
- 19) The unsuitable geology of the site;
- 20) The potential impact on water, gas and electricity supply;
- 21) The elevated and prominent nature of the site increasing the visual impact of the development and the harm caused to the landscape;
- 22) The destruction of views from Romney Marsh;
- 23) Conflict with the Ashford Character Landscape Assessment 2009;
- 24) Loss of green space which should be preserved;
- 25) Loss of high-quality agricultural land;
- 26) The irreversible harm to the surrounding countryside;
- 27) The impact on nearby ancient woodland;

- 28)The impact on the historic character of the Saxon Shore landscape;
- 29)The impact on the setting of the Royal Military Canal;
- 30)The impact on protected hedgerow;
- 31)An increase in light pollution;
- 32)The impact on protected species and habitats within the site and in nearby protected sites;
- 33)The development being contrary to ALP policy ENV1;
- 34)A lack of capacity in the sewerage system;
- 35)The appropriateness of a pumping station in this location;
- 36)An increase in surface water runoff from the site causing an increased flood risk;
- 37)Potential for polluted rainwater to enter the Royal Military Canal;
- 38)The climate change impact of the development;
- 39)Additional pollution being caused as a result of the development;
- 40)Other more suitable sites being available for development;
- 41)The development not being sustainable;
- 42)The development not being in the Ashford Local Plan 2030;
- 43)The development being contrary to ALP policy HOU5;
- 44)The loss of green belt land [*Officer note – none of the site or its surroundings is designated as 'green belt'*].

Planning Policy

21. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
 - (ii) the Chilmington Green AAP (adopted July 2013),
 - (iii) the Wye Neighbourhood Plan (adopted March 2016),
 - (iv) the Rolvenden Neighbourhood Plan (adopted December 2019),
 - (v) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
 - (vi) the Egerton Neighbourhood Plan (adopted March 2022)
 - (vii) the Charing Neighbourhood Plan (adopted July 2023)
 - (viii) the Pluckley Neighbourhood Plan Review 2023 (adopted July 2024)
 - (ix) the Aldington & Bonnington Neighbourhood Plan (adopted October 2024)
 - (x) the Tenterden Neighbourhood Plan (adopted October 2024)
 - (xi) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
22. The following policies from the Development Plan are of particular relevance in the consideration of this planning application:

Ashford Local Plan 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design
SP7 - Separation of Settlements
HOU1 - Affordable Housing
HOU5 - Residential windfall development in the countryside
HOU6 - Self and Custom Built Development
HOU12 - Residential space standards internal
HOU14 - Accessibility standards
HOU15 - Private external open space
HOU18 - Providing a range and mix of dwelling types and sizes
TRA1 - Strategic Transport Schemes
TRA3a - Parking Standards for Residential Development
TRA4 - Promoting the local bus network
TRA5 - Planning for Pedestrians
TRA6 - Provision for Cycling
TRA7 - The Road Network and Development
TRA8 - Travel Plans, Assessments and Statements
ENV1 - Biodiversity
ENV3a - Landscape Character and Design
ENV4 - Light Pollution and Promoting Dark Skies
ENV5 - Protecting important rural features
ENV6 - Flood Risk
ENV7 - Water Efficiency
ENV8 - Water Quality, Supply and Treatment
ENV9 - Sustainable Drainage
ENV12 - Air Quality
ENV13 - Conservation and Enhancement of Heritage Assets
ENV14 - Conservation Areas
ENV15 - Archaeology
COM1 - Meeting the Community's Needs
COM2 - Recreation, Sport, Play and Open Spaces
IMP1 - Infrastructure Provision
IMP4 - Governance of public community space and facilities

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste
Early Partial Review (2020)

DM7 - Safeguarding Mineral Resources

23. The following are also material considerations to the determination of this application.

- (i) Ashford Borough Council Climate Change Guidance for Development Management 2022

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011
Residential Space and Layout SPD 2011 (external space only)
Residential Parking and Design SPD 2010
Sustainable Drainage SPD 2010
Public Green Spaces and Water Environment SPD 2012
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

Village Design Statements

Hamstreet Village Design Statement

The Hamstreet Village Design Statement identifies existing character areas and sets design guidelines and aims for future development, including detailed design matters. Of particular relevance to this outline application are the guidance on densities of new development, site accesses, the encouragement of sustainable modes of transport, the protection of open spaces and the protection of views in and out of the village.

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins
Informal Design Guidance Note 2 (2014): Screening containers at home
Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) December 2024

24. 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 NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.
Paragraphs 20 to 23 - Strategic policies.
Paragraph 35 - Developer contributions.
Paragraph 39 - Decision making.
Paragraphs 40 to 47 - Pre-application engagement and front-loading.
Paragraphs 48 to 51 - Determining applications.
Paragraphs 56 to 59 - Planning conditions and obligations.
Paragraphs 61 to 71 - Delivering a sufficient supply of homes.
Paragraphs 72 to 77 - Identifying land for homes.

Paragraphs 78 to 81 - Maintaining supply and delivery.
Paragraphs 82 to 84 – Rural housing.
Paragraphs 96 to 102 - Promoting healthy and safe communities.
Paragraphs 103 to 108 – Open space and recreation.
Paragraphs 109 to 114 – Promoting sustainable transport.
Paragraphs 115 to 118 - Considering development proposals.
Paragraphs 119 to 123 - Supporting high quality communications.
Paragraphs 124 to 128 - Making effective use of land.
Paragraphs 129 to 130 - Achieving appropriate densities.
Paragraphs 131 to 141 - Achieving well-designed places.
Paragraphs 161 to 186 - Meeting the challenge of climate change, flooding and coastal change.
Paragraphs 187 to 191 - Conserving and enhancing the natural environment.
Paragraphs 192 to 195 - Habitats and biodiversity.
Paragraphs 196 to 201 - Ground conditions and pollution.
Paragraphs 202 to 221 - Conserving and enhancing the historic environment.
Paragraphs 222 to 230 - Facilitating the sustainable use of minerals.
Paragraphs 231 to 243 – Annex 1: Implementation.

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

25. The main considerations in the assessment of the application are as follows:
- a) Principle of development
 - b) Highways and transportation
 - c) Ecology
 - d) Flood risk, drainage and surface water
 - e) Heritage
 - f) Landscape character and appearance
 - g) Residential amenity
 - h) Affordable housing
 - i) Contamination
 - j) Sustainability and climate change
 - k) Habitats Regulations Assessment
 - l) Housing land supply
 - m) Planning obligations

a) Principle of development

26. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, the first of which is to focus development at accessible and sustainable locations which

utilise existing infrastructure, facilities and services wherever possible and to make best use of suitable brownfield opportunities.

27. Local Plan policy HOU5 sets out a series of criteria to be met for development that is adjoining or close to the existing built up confines of the listed settlements. In this case the application site adjoins the built confines of Hamstreet which is listed as a local service centre in the ALP. The HOU5 criteria are set out below:

- a. *The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;*
- b. *The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services*
- c. *The development 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 without adversely affecting the character of the surrounding area*
- d. *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services*
- e. *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*
- f. *The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*
 - i) *it sits sympathetically within the wider landscape,*
 - ii) *it preserves or enhances the setting of the nearest settlement,*
 - iii) *it includes an appropriately sized and designed landscape buffer to the open countryside,*
 - iv) *it is consistent with local character and built form, including scale, bulk and the materials used,*
 - v) *it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
 - vi) *it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.*

28. With regard to the scale of development proposed, the application seeks outline planning permission for up to 140 dwellings across the site. At an occupancy rate of 2.4 people per dwelling, the development would result in approximately 336 new residents. There are currently approximately 700 dwellings in Hamstreet, with approximately 1,700 residents, so the proposed development

would result in an almost 20% increase in the number of people living in the village, which would be a significant increase.

29. The ALP does not set a threshold figure for the level of increase in a settlement's population that would be unacceptable because what could be acceptable for one site or in one settlement may not be acceptable for another due to the specific characteristics and context of the site. Instead, the ALP sets out the criteria in HOU5 for the assessment of the impact of the development. I assess the proposed development against the other HOU5 criteria, as well as the other main areas of consideration, in the topic-specific sections of the report below.
30. I note that the applicant has submitted an Agricultural Land Quality Assessment which concludes that it is "likely that most of the site will be classified as Subgrade 3b, with smaller areas of Subgrade 3a". The applicant has not provided a more detailed assessment so on this basis, I consider that the proposed development would result in some loss of best and most versatile agricultural land.

b) Highways and transportation

31. ALP policy TR8 requires applications for development of this scale to be accompanied by a Transport Assessment which assesses the impact of development proposals on the highway network and details any necessary mitigation to be secured as part of development proposals. Policy TRA5 requires development proposals to demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network.
32. Paragraph 116 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
33. While I note the concerns of some consultees in respect of traffic impacts, Kent Highways and Transportation (KH&T) raise no objection the traffic impacts of the development on the local highway network terms of highway safety or capacity. Concern has, however, been raised by KH&T regarding the suitability of the pedestrian access to the site and I deal with that matter first below before dealing with proximity to local facilities and the applicant's Transport Assessment.

Pedestrian access

34. The applicant has proposed improvements to three existing pedestrian accesses to the site in order to serve the development. These accesses are marked by the three pink circles in **Figure 6** below.

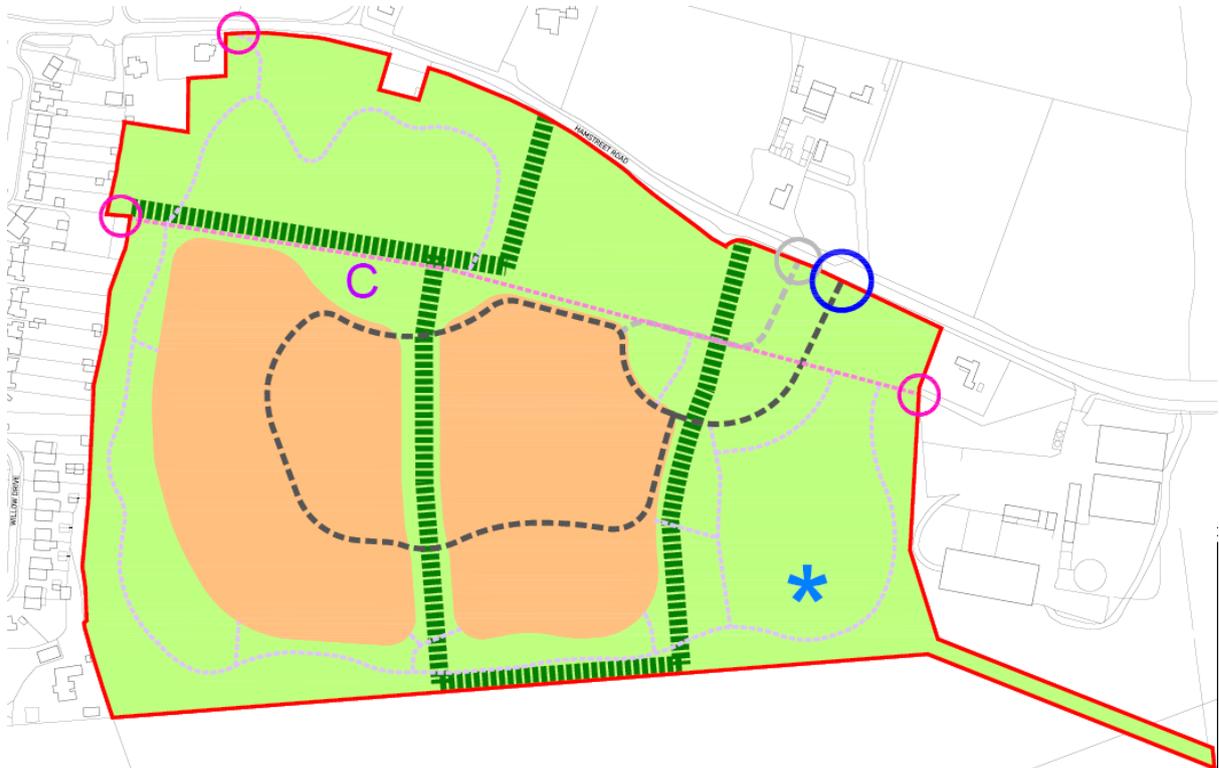


Figure 6 – Pedestrian access

35. Two of the pedestrian accesses are located along the route of the existing PROW AE575, one to the east and the other to the west of the site, whilst an overgrown and inaccessible access onto Hamstreet Road towards the north-west of the site is also proposed to be used, with a new stepped access introduced in this location and a footway added to a section of Hamstreet Road to serve the access. The proposed stepped access and additional footway along Hamstreet Road are shown in **Figure 7** below.

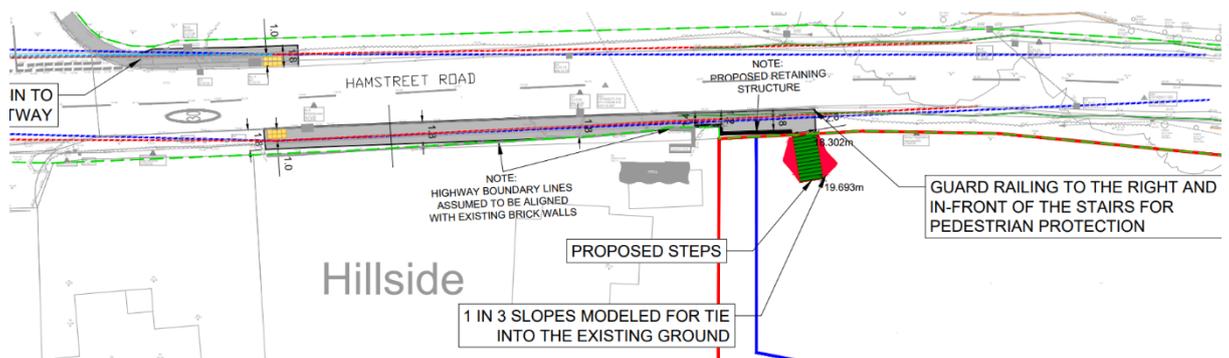


Figure 7 – Stepped pedestrian access and footway to Hamstreet Road

36. KH&T has raised no objection to the principle of the stepped access to the north of the site or the new sections of pedestrian footway being added to either side of Hamstreet Road in order to link to the existing footway at Carter's Wood.
37. Given that the northern access would be a stepped access only, it would not be suitable for use by people who are mobility impaired or parents with pushchairs etc. In addition, located to the north of the site it would not follow the natural desire lines for residents accessing the majority of services in the village (the location of which is discussed further below) and there would also be a convoluted route for pedestrians to follow upon leaving the site here when walking to the village, requiring them to cross Hamstreet Road and Carter's Wood before crossing Hamstreet Road again as a result of the lack of footway to the south of Hamstreet Road in this location. I therefore consider this route to be of a poor quality which would not be sufficient to serve a development of this scale. It would therefore be necessary for other more suitable routes to be provided as part of the development.
38. An additional pedestrian access to the village is proposed to the west of the site, along the existing route of PROW AE575, which would provide a link from the site onto Fairfield Terrace via the Council-owned car park. The existing pedestrian link between the car park and the site is shown in **Figure 8**, and the route through the car park to Fairfield Terrace is shown in **Figure 9** below.



Figure 8 – View of access from car park (looking east towards site)



Figure 9 – View from car park (looking west towards Fairfield Terrace)

39. The applicant has stated that in order to improve this pedestrian link, the existing vegetation at the site entrance would be cleared, the existing stile would be replaced with an alternative feature such as a gate, and the PROW would be widened within the site confines. These proposed works within the site are shown in **Figure 10** below.
40. In addition to the above works within the site, the application refers to potential measures to the PROW through the Council-owned car park to the west, outside the application site boundary. The application's Transport Assessment states that *"it is considered that the existing Footpath designation would be acceptable to serve the development proposals, in light of the short nature of this element of the PROW"*. Nonetheless, potential opportunities for improvement of this car park are listed which are described as being improvements to signage to assist with wayfinding, surfacing and low-level lighting. These potential improvements to the western access to the site, on land within Ashford Borough Council's ownership, are also shown in **Figure 10** below.



Figure 10 – Illustrative potential improvements to western access

41. Despite these measures being referenced, the applicant has not provided further details within the application and the submission does not provide any evidence that the applicant has reached an agreement with ABC as the landowner for their delivery.
42. The applicant has not reserved the matter of access for future consideration so full details of this proposed pedestrian access to the site are required at this time. KH&T has requested additional information regarding this proposed

pedestrian access and advise that in order to make the routing acceptable, it would require upgrading to provide measures to warn drivers of pedestrians, show priority for pedestrians, keep traffic speeds low, provide lighting to maintain personal security and improve surfacing where required.

43. KH&T advise that without this information, along with confirmation of an agreement with the landowner for the works to take place, the proposed access to the site is not acceptable because the applicant has not demonstrated safe and secure pedestrian access can be provided for all users.
44. I agree with this view and consider this to be a significant concern, particularly given the number of dwellings proposed in the application. I consider that the development is therefore in conflict with ALP policies SP1, HOU5 parts b, c and d, and TRA5 and the NPPF, in particular paragraphs 110, 115 and 129, which seek to focus development at accessible and sustainable locations and to promote sustainable modes of transport for all future occupiers of development.

Local facilities

45. The preamble to ALP policy HOU5 states that *“Basic day to day services such as a grocery shop, public house, play / community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although the specific local context may mean a higher or lower distance would be a more appropriate guide.”*
46. There are a number of day-to-day services located within Hamstreet village which reflects the village’s status as a local service centre in the ALP. Given the size of the application site, the walking distances to these services vary considerably from the proposed residential parcels to the eastern and western sides of the site. The services in the village include a GP surgery, play space and community hall (all approximately 250m to 750m away), a bus stop (approximately 400m to 850m away on Ruckinge Road), a shop (approximately 550m to 1km away), a pub (approximately 600m to 1km away), a dental clinic (approximately 650m to 1.1km away), a train station (approximately 1-1.5km away) and a primary school (approximately 1-1.5km away).
47. Whilst some of these services would be located within a walkable distance to the site, a number of the key services such as the shop, pub, train station and primary school would be beyond the generally accepted easy walking distance of 800 metres from some or all of the proposed residential parcels within the site.
48. In addition, as set out above I consider the applicant has not demonstrated the ability to create safe and secure pedestrian access for all users. The journeys

to the primary school and train station would also involve a long walk uphill which would be likely to make it less attractive movement option for residents.

49. As a result of the lack of facilities in an easy walking distance, I consider that a significant number of journeys would be likely to be made by private motorised transport and not more sustainable modes, such as walking or cycling.
50. In view of the lack of local facilities within an easy walking distance of the site along a safe and suitable route, and taking into account the significant size of the development that is proposed, I consider that the proposal would be in conflict with policies SP1, HOU5 parts a, b and d, and TRA5 of the ALP and the NPPF which seek to focus development at accessible and sustainable locations and to promote sustainable modes of transport for all users.

Transport Assessment

51. KH&T advise that the submitted Transport Assessment is sufficient to assess the impact of the proposed development on the local highway network.
52. The applicant's Transport Assessment (TA) sets out the proposed level of vehicle movements resulting from the development based on use of the TRICS database. It should be noted that the assessment in the TA is based on the previously modelled higher number of 180 dwellings (as submitted with application ref PA/2024/0773 which proposed 170 dwellings), rather than the currently proposed 140 dwellings. The TA states that that 180 dwellings would be predicted to generate a total of 117 vehicle movements in the AM peak (30 arrivals and 86 departures) and a total of 101 vehicle movements in the PM peak (68 arrivals and 33 departures).
53. The applicant's TA has also modelled the junctions affected by primary routing to the site, namely:
 - B2067 Hamstreet Road/site access junction;
 - A2070/Johnson's Corner priority junction;
 - Ashford Road/A2070 slip road junction;
 - A2070 link road/A2070 slip road junction.
54. KH&T advise that the level of vehicle movements are agreed and that the scope of the junction assessment is acceptable.
55. Whilst the development would result in an uplift in the traffic at the modelled junctions, KH&T consider the TA has demonstrated that it would not result in excessive queuing on the highway network and that the modelled junctions would all still operate well within capacity.

56. KH&T has also considered the proposed vehicular access to the site onto Hamstreet Road, as shown in **Figure 11** below.

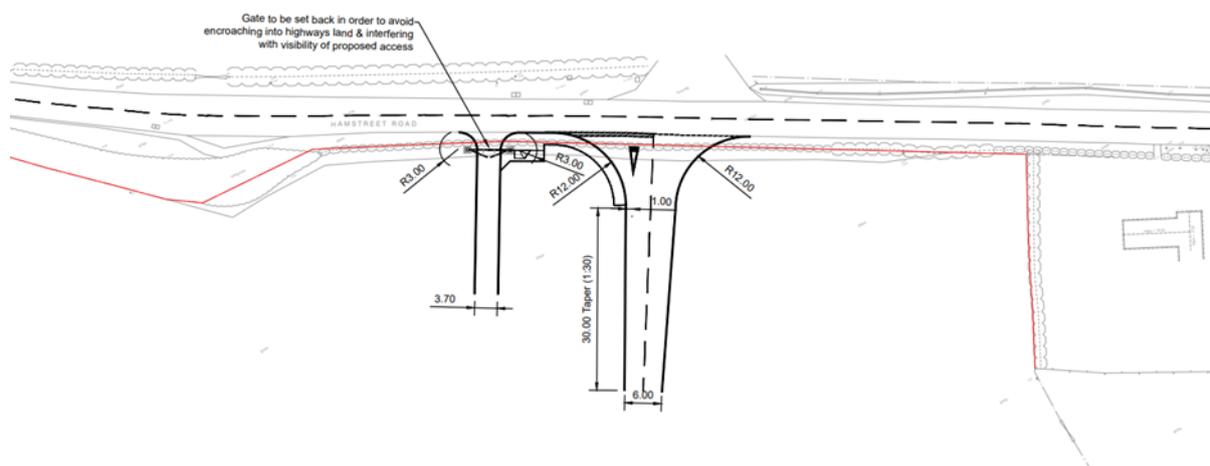


Figure 11 – Proposed vehicular access from Hamstreet Road

57. The vehicular access has been proposed towards the east of the site as a result in the steep change in levels between the site and the public highway further to the west. KH&T advise that the proposed vehicular access is of an acceptable standard to meet with their requirements, with adequate visibility splays provided. No concerns regarding the suitability of Hamstreet Road itself to accommodate the construction or development traffic have been raised by KH&T. They also advise that the provision of the secondary emergency access point (located immediately to the west of the main vehicular access) would be required in order to meet the requirements of the emergency services.
58. In view of the above, I consider the impact of the proposed site access and the additional vehicle movements on the safety and capacity of the local highway network would be acceptable, in accordance with ALP policy and the NPPF in this regard. Planning conditions relating to the agreement of a Construction Management Plan and the construction of the proposed vehicular accesses (in accordance with an agreement with KCC) would be required for any approval.

c) Ecology

59. Local Plan policies SP1 and ENV1 seek to conserve or enhance biodiversity. Policy ENV1 states that development should avoid significant harm to biodiversity assets and that where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in accordance with an agreed timetable. Development proposals should seek opportunities to incorporate and enhance biodiversity, including taking opportunities to help connect and improve wider ecological networks.

60. ALP policy ENV1 also states that development that would have an adverse effect on the integrity of European protected sites, alone or in combination with other plans or projects, will not be permitted. Any proposal capable of affecting designated interest features of European sites should be subject to Habitats Regulations Assessment screening.
61. Paragraph 193 of the NPPF states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

Site surveys

62. KCC Ecology have been consulted on this application and have advised that the applicant’s submitted Ecological Appraisal is incomplete and that additional information would be required in order for the impact of the development to be able to be fully understood.
63. The applicant’s Ecological Appraisal concludes that bat activity is limited to common/widespread species, breeding birds are common/widespread, no SPA qualifying species were observed on site during wintering bird surveys, Great Crested Newt (GCN) are present in the wider area and District Level Licensing (DLL) will be pursued to allow for their relocation off the site, no dormice have been recorded onsite (yet) and a low population of grass snake, good population of common lizard and exceptional population of slow-worm have been recorded onsite (restricted to boundary vegetation). The Appraisal submitted with the application did not, however, include the survey reports for badger, bats, breeding birds, winter birds, dormice and reptiles, whilst the dormouse surveys were incomplete and no information was submitted regarding the DLL for GCN.
64. KCC Ecology has advised that the submission of this survey data of the site is required prior to the determination of the application, along with additional surveys relating to dormice and confirmation of the District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC). This would ensure that the impact of the development is fully known and that any necessary mitigation and enhancements can be secured as part of a robust compensation/mitigation strategy. I note that Kent Wildlife Trust (KWT) has also requested the species surveys.
65. The applicant has recently submitted the requested protected species surveys and details relating to the District Level Licensing IACPC. KCC Ecology and KWT have been consulted on this additional information but, at the time of writing, their responses have not been received. An update will be provided if a

response as to acceptability has not been received prior to the meeting of the Planning Committee but, as matters currently stand, the applicant has failed to demonstrate that the development would not cause harm to protected species and that appropriate mitigation and enhancement measures could be secured.

Biodiversity Net Gain

66. The applicant has submitted a biodiversity metric that sets out how the development can achieve a statutory minimum 10% gain. The submitted biodiversity metric indicates that the proposals would result in a 52.27% onsite net gain of habitat units and an 501.91% net gain in hedgerow units. This would be achieved through the enhancement of existing modified grassland and hedgerows, as well as the creation of woodland and vegetated gardens, a sustainable urban drainage system, the creation of mixed scrub and tree planting.
67. KCC Ecology has raised an objection to the proposed biodiversity metric because the baseline biodiversity unit value of the site given in the submitted report omits all onsite trees and is therefore incorrect. As set out above, the applicant has recently submitted an updated biodiversity metric and KCC Ecology's further consultation response is awaited. An update will be provided if a response is received prior to the meeting of the Planning Committee. Whilst the levels of biodiversity gain would appear to easily exceed the statutory 10% requirement, the necessary enhancement measures cannot be confirmed until the additional survey results are known.

Protected sites

68. The site is located in close proximity to a number of protected sites. The site is approximately 105m south of Ham Street Woods SSSI/NNR, 280m north of Royal Military Canal LWS, 390m east of Dungeness, Romney Marsh and Rye Bay SSSI/Ramsar and 1.9km south-east of Orlestone Forest SSSI. The site is also approximately 10km west of Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC), the Dungeness, Romney Marsh and Rye Bay Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI).
69. The applicant has submitted a shadow Habitats Regulations Assessment which has 'screened in' for further consideration the impact of the development on the Dungeness, Romney Marsh and Rye Bay Ramsar and the Dungeness, Romney Marsh and Rye Bay SPA. The impact on other nearby protected sites is 'screened out' due to the distance of separation to the application site.

70. With regard to the impact on the Dungeness, Romney Marsh and Rye Bay Ramsar site and the Dungeness, Romney Marsh and Rye Bay SPA, the applicant's shadow HRA concludes that there would be no likely significant effect on the protected sites as a result of the development.
71. A concern has previously been raised about the impact of additional recreational pressure on these protected sites resulting from the number of new residents that would likely occupy new homes. The applicant has set out that the separation distance, as well as the proposed provision of publicly accessible open space within the site, would reduce the recreational pressures to these protected sites. The shadow HRA concludes that there would be no likely significant effect on the protected sites resulting from recreational pressures.
72. Concerns have also previously been raised regarding the potential increase in cat predation at the protected sites. The shadow HRA states that most cat predation activity is within 100m from homes, with studies finding maximum predation distances of 278m from their homes. The shadow HRA states that given that the closest protected site would be located almost 400m from the application site, the shadow HRA concludes that there would be no likely significant effect resulting from cat predation.
73. KCC Ecology raise no objection to the conclusions of the shadow HRA and I consider that, subject to suitable on-site greenspace being provided as part of any reserved matters application, the development would not have a likely significant effect on the integrity of the Dungeness, Romney Marsh and Rye Bay Ramsar and the Dungeness, Romney Marsh and Rye Bay SPA.
74. Given the protected status of these sites, a Habitats Regulations Assessment (HRA) would need to be carried out prior to an approval of the application in order to determine whether the development would result in additional significant recreational pressure on the Dungeness complex protected sites.
75. Kent Wildlife Trust has also raised concerns regarding the potential for the proposed development to result in increased levels of cat predation of wild birds and mammals at the nationally designated Ham Street Woods SSSI/NNR which contains breeding nightingale (a ground-nesting, red-listed bird of conservation concern which is highly susceptible to cat predation) and a population of dormice (a European Protected Species).
76. I note that the applicant's Ecological Appraisal refers to the Ham Street Woods SSSI/NNR being "*located approximately 390m from the most northern development parcel*" which is incorrect as the designated site would be approximately 200m from the most northern residential development parcel.

77. The applicant has proposed mitigation in the form of a broad area of scrub planting along the northern site boundary which would include a number of thorny species such as hawthorn and blackthorn which would help to deter cats. Despite the proposed mitigation, the application's Ecological Appraisal states that *"overall, it is considered that the proposals will cause at most a non-significant, minor adverse effect on Ham Street Woods SSSI"* as a result of the potential increase in cat predation.
78. Despite the submitted Ecological Appraisal incorrectly referencing the distance of separation between the proposed residential development parcels and the designated site, KCC Ecology agree with the conclusions of the Ecological Appraisal in terms of the minor residual adverse effect of the development on the Ham Street Woods SSSI/NNR.
79. ALP policy ENV1 states that *"Development that will have an adverse effect on nationally designated sites, including the borough's Sites of Special Scientific Interest and National Nature Reserves, will not be permitted unless the benefits, in terms of other objectives including overriding public interest, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution."*
80. The application submission concludes that there would be a minor adverse effect on the designated site. I do not consider there to be overall benefits or matters of overriding public interest that would outweigh the minor adverse effect that would be caused to the protected site. The proposal would therefore be in conflict with ALP policy ENV1 as a result of the harm caused to the Ham Street Woods SSSI and NNR.
81. To conclude on ecological matters, given the lack of appropriate surveys, the presence or otherwise of protected species on the site and the extent that they may be affected by the proposed development are matters that have not been established. The application has also failed to include sufficient mitigation against the harm caused to the nearby Ham Street Woods SSSI and NNR. I therefore consider the proposal to be in conflict with policies SP1, HOU5 parts e and f, and ENV1 of the ALP and the NPPF, in particular paragraphs 135 and 193.

d) Flood risk, drainage and surface water

82. Policy ENV6 of the Ashford Local Plan states that proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 outlines that all developments should include appropriate sustainable drainage systems. Policy ENV9 states that for greenfield sites, development should discharge at a maximum of 4l/s/ha, or 10% below current greenfield rates for the existing 1:100 storm event, whichever is lower. This would ensure that

surface water flows are managed within the site before discharging at a controlled rate. The Council's Sustainable Drainage SPD sets out how developers can meet the requirements of policy ENV9.

83. The applicant's Flood Risk Assessment identifies the incorporation of three separate drainage attenuation features (two to the south-west of the site and one to the south-east of the site) and conveyance swales to direct surface water into a drainage ditch located approximately 140m east of the site which would drain into the Royal Military Canal. It is proposed that surface water would be restricted to a discharge rate of 4 l/s/ha from the site which would accord with the requirements of ALP policy ENV9.
84. KCC Lead Local Flood Authority (LLFA) were consulted on the application and have raised no objection to the proposed development. Whilst the LLFA has given a number of advisory comments regarding the detail of the surface water drainage scheme and its calculations, it is indicated that these can be addressed by a planning condition requiring the submission of a detailed surface water drainage scheme and I agree with that approach.
85. I note that Kent Wildlife Trust has raised concerns regarding the potential for polluted water runoff to enter the nearby Royal Military Canal LWS. The applicant's surface water drainage strategy includes the use of SuDS features, such as swales and attenuation basins, in order to passively treat run off from the development before it reaches the canal. The LLFA and KCC Ecology raise no objection to the development on this basis and I therefore consider the applicant's approach would address this concern. I also note that the directing of flows to the Military Canal would require the prior consent of the Romney Marshes Area Internal Drainage Board who would consider the quality of the water being discharged as part of their approval process.
86. With regard to foul drainage, the applicant has proposed that the dwellings would connect via gravity into a pumping station to be located along the southern boundary of the site where the foul water would discharge into the existing Southern Water network via a manhole located to the west of the site.
87. Whilst they have not commented on this application, Southern Water raised no objection to the applicant's previous proposals for 170 dwellings (PA/2024/0773) but advised that their foul sewer network is likely to require reinforcement in order to accommodate additional flows from the development. Southern Water confirmed that they would provide such reinforcements, subject to an agreement with the applicant. I consider this approach would continue to adequately address the foul drainage requirements from the development.

88. Subject to the addition of the conditions requested by the LLFA, I consider the proposal could include appropriate sustainable drainage systems to manage surface water within the site. The proposal would therefore be in accordance with policies SP1, ENV6 and ENV9 of the ALP and the NPPF in this regard.

e) Heritage

89. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving listed buildings or their setting.
90. Policy ENV13 of the Local Plan requires development proposals to preserve or enhance the heritage assets of the Borough. Where a proposal would lead to the loss of or harm to the significance of a heritage asset or its setting, development will not be permitted unless it can be demonstrated that public benefits will be delivered by the development that would outweigh the harm to, or the loss of, the heritage asset. This requirement is replicated by paragraphs 212-215 of the NPPF.
91. The NPPF defines 'setting' as the surroundings in which a heritage asset is experienced. Historic England's guidance advises that the setting itself is not a heritage asset but rather that its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance.
92. The nearby designated heritage assets are set out in **Figure 12** below. The closest assets to the site are (i) the Royal Military Canal which is a Scheduled Ancient Monument (SAM) located approximately 280 metres to the south of the site at its closest point, along with (ii) the Hamstreet Conservation Area which is located approximately 200m to the west of the site.

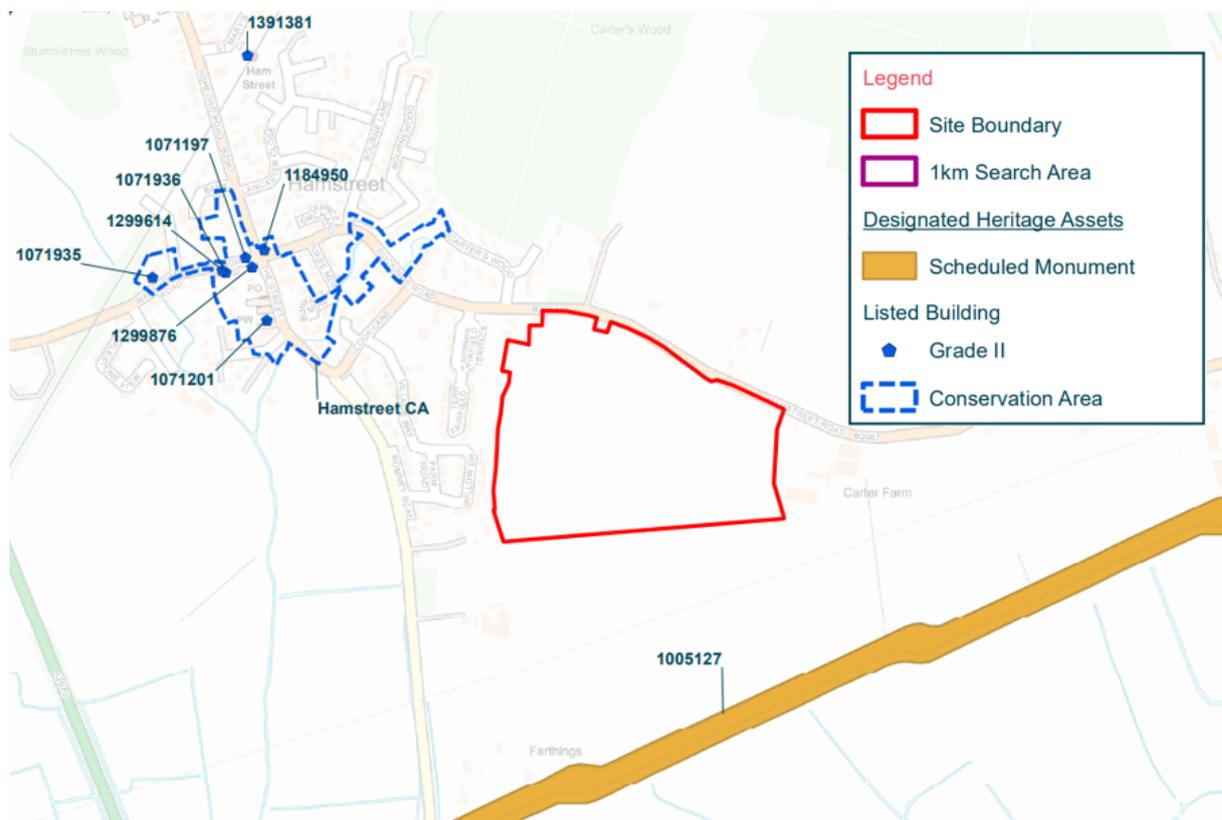


Figure 12 – Nearby designated heritage assets

93. In addition to these designated heritage assets, the site is also located directly adjacent to a Royal Observation Corps observation post and underground monitoring post which are considered to be non-designated heritage assets. These are located in an overgrown area to the north of the site, where the northern site boundary steps away from Hamstreet Road.
94. The applicant's Historic Environment Desk-Based Assessment and Archaeological Landscape Assessment state that the proposed development would result in a perceptible change within a limited part of the setting of the Royal Military Canal, but this change would not have a material effect on the significance of the SAM. The applicant's Historic Environment Assessment states that as no housing would be added to the highest part of the site, the proposed development would have no negative impacts upon the setting or significance of any of the designated built heritage assets within the study area and wider landscape.
95. The applicant's Assessment has also identified that the development has the potential to impact upon the setting of non-designated heritage assets, namely the Royal Observation Corps (ROC) post immediately to the north of the site and two historic farmsteads (Mountain Farm and Ham Leas Farm) to the south. The Assessment contends that the impact on their setting would be minimised

by landscape planting which would result in their being no harm to their significance.

96. KCC Heritage advise that a distinctive heritage of Hamstreet is the range and number of 20th century defence network of pillboxes and ROC posts. The site is a strategic location for protection of the Royal Military Canal and movement on Romney Marsh and the impact on the understanding and significance of the Royal Military Canal needs to be robustly assessed.
97. A key feature in the significance of military sites can be their sightlines, and part of the significance of the ROC unit and pillboxes is the sightlines that are afforded across the site towards the Royal Military Canal and Romney Marsh as a whole. KCC Heritage advise that this revised application contains sufficient assessment of these setting issues and recommend that, should planning permission be forthcoming, a programme of heritage interpretation is secured by condition, to include measures such as artwork, landscape design, and/or information boards would contribute to raising awareness, appreciation and enjoyment of Hamstreet's heritage.
98. The proposed development would be located close to the Royal Military Canal SAM and would result in a significant change to the open character of the landscape which forms the setting of that SAM. Whilst I acknowledge that there are some points on the Canal with encroaching development, such development is typically historic and does not set a precedent for the assessment of the planning merits of the applicant's development.
99. I therefore consider that the proposal, by reason of its scale and location, would lead to harm of a 'less than substantial' nature to the special character and interests of the setting of the Royal Military Canal SAM.
100. A number of representations received raise concerns regarding the impact of the development on the Hamstreet Conservation Area. Given the separation distance and the presence of intervening buildings and trees which would prevent the visibility of the site from ground-level within the Conservation Area, as well as the limited distant views of the Conservation Area from within the site itself, I do not consider the development would cause harm to the setting of the Conservation Area.
101. In conclusion, I consider that the development would lead to 'less than substantial' harm to the Royal Military Canal Scheduled Ancient Monument. This level of harm would need to be weighed against the public benefits of the development as part of the planning balance, in accordance with the requirements of policy ENV13 of the Local Plan and paragraph 215 of the NPPF.

Archaeology

102. Policy ENV15 of the Local Plan requires an assessment of the impact of the development on archaeological heritage.
103. The applicant's submission states that relatively little archaeology has been recorded within the 1km study area, although this could reflect the lack of archaeological fieldwork projects carried out. The applicant's submission states that they consider the site to have the following potential:
 - A low potential to contain archaeological finds and features dating from the prehistoric, Roman, Saxon and medieval periods.
 - A high potential to contain archaeological finds and features dating from the post-medieval and modern periods.
104. The submission states that any archaeological remains which may be present on the site are likely to be of local significance only.
105. KCC Heritage advise that 19th century early OS maps indicate an 'old road' down the western boundary of the site and a similar linear route to the east. This 'old road' may have served the settlement as a droveway to and from marshland grazing. Remains would be considered to be an important local heritage asset meriting enhancement as part of a landscape design sympathetic to local character.
106. The applicant's Archaeological Landscape Assessment concludes that there are two archaeological landscape features within the site that are of local significance only and which may be impacted by the proposed development. These are the silted-up channel in the south-east corner and a small section of an 'old road' which ran along the western edge of the site, both of which are visible on some of the historic maps.
107. KCC Heritage advise that the application includes sufficient assessment of archaeological landscapes to inform understanding of prehistoric and Roman potential and recommend the addition of a planning condition on any approval requiring the detail (specification and timetable) of further archaeological evaluation, investigation and assessment works to be agreed prior to the commencement of the development, as well as the inclusion of archaeological interpretation works as part of the development.
108. I agree with KCC Heritage's view and consider the impact on archaeology and archaeological landscapes to be in accordance with ALP policies ENV13 and ENV15.

f) Landscape character and appearance

109. The NPPF states that the creation of high quality sustainable buildings and places is fundamental to what the planning and development process should seek to achieve.
110. ALP policy SP1(d), amongst other matters, expects new development to create the highest quality design which is sustainable, accessible, safe and promotes a positive sense of place through the design of the built form, the relationship of buildings with each other and the spaces around them, and which responds to the prevailing character of the area. ALP policy SP7 requires development proposals on non-allocated sites outside the built up confines of settlements to not result in the coalescence or merging of two (or more) separate settlements, or the significant erosion of a gap between settlements resulting in the loss of individual identity or character.
111. ALP policy HOU5 requires development proposals to sit sympathetically within the wider landscape and to preserve or enhance the setting of the nearest settlement. ALP policy ENV3a requires all development proposals to demonstrate particular regard to various landscape characteristics, proportionately, according to the landscape significance of the site.
112. The application site primarily comprises managed grassland. The applicant has applied for outline planning permission, with all matters reserved apart from access. As such, full details of the layout and form of the development would not be agreed at this stage. Nonetheless, the applicant has submitted parameter plans which would set the framework for which the subsequent reserved matters applications would need to comply.
113. The applicant's Parameter Plan is set out in **Figure 13** below and identifies the extent of the different land uses within the site, as well as the maximum building heights for the proposed dwellings. The applicant has also submitted an Illustrative Masterplan which demonstrates how the development could come forward in accordance with the submitted parameter plans.



Figure 13 – Parameters Plan

114. The Parameters Plan submitted with the application identifies that the dwellings would be located within four main parcels across the site accessed from Hamstreet Road. The majority of the dwellings would be two-storey but there would be “some 2.5 storeys”, with maximum building heights of 9.5m above the existing ground level. No information has been provided as to the number or location of the 2.5-storey dwellings within the site.
115. The crest of Cotton Hill, forming the highest point of the site, would be outside the residential parcels but there would be residential development extending up the sides of the hill, with the largest parcels extending up to the PROW which dissects the site and only one smaller parcel located to the north of the PROW. Open spaces are generally proposed around the perimeter of the site, with limited green space proposed within the residential parcels themselves. The applicant’s Planning Statement indicates that approximately 8.688 hectares of green infrastructure is proposed across the site as a whole, which would include the proposed surface water attenuation features.
116. Turning to the proposed Illustrative Masterplan, I consider the extent of the residential parcels, together with the quantum of development proposed and the proposed building heights, would result in a suburban pattern of development on the edge of the village. This would not be in keeping with the

existing low gradation of density and primarily informal rural character in and around the original distinctive fringes of the settlement.

117. I also consider the proposed vehicular access and emergency access points which would be located towards the eastern extent of the site along Hamstreet Road would be very wide and open and would be heavily engineered with substantially extended areas of hardstanding consisting of heavy duty materials and kerbs (such as concrete and tarmac), street lighting, signage, road markings, footpaths, drainage and traffic controlled signals. As a result, the access would be a very suburban feature that would harm the attractive rural lane that currently is modest in width and has attractive rural characteristics including hedgerows as enclosures, grass verges, ditches and no street lighting or other highways paraphernalia such as signage.
118. Additionally, whilst on-site open space is proposed, the majority is shown in the illustrative material supplied located towards the perimeter of the site beyond closely grouped residential parcels rather than open space being integrated with those parcels providing landscaping and amenity benefits closer to homes and potentially helping structure the site in a way that would better acknowledge its historic intervisibility relationship with the Royal Military Canal. The open spaces proposed do not appear to have a clear purpose from the information supplied and at face value would lack a sufficiently diverse range of recreational activities that would benefit residents. No allotments are expressly identified within the development although I consider that a planning condition could be imposed to require communal areas for allotments (or community orchards) to be provided should the development otherwise be considered to be acceptable.
119. I note that a number of representations raise concerns regarding the potential coalescence of settlements as a result of the development. Given the separation that would remain between settlements, I do not consider the development would result in the coalescence of settlements or the erosion of an intervening gap.
120. I also note the concerns raised regarding the impact of light pollution and the potential conflict with ALP policy ENV4 which requires proposals within the designated 'dark sky zone' to have no significant adverse effects on the visibility of the night sky or its intrinsically dark landscapes. Whilst the development would result in some additional light spill, I consider this matter could be addressed by a suitably worded planning condition on any approval to minimise the level of external lighting across the development in order to ensure there would be no significant adverse impacts on the area.
121. Given my concerns set out above, I consider the proposed development would not accord with prevailing local character and built form and would contribute towards an urbanising impact upon this sensitive and prominent countryside

location. The scale of the development would, in turn, have a harmful impact on landscape character which I address below.

Landscape character

122. The site falls within the national NCA121 Low Weald designation. However, it is the relationship of the site with the adjoining NCA123 Romney Marshes, which raises the importance of the site and its setting.
123. The Low Weald NCA is gently undulating with areas of dense woodland which often enclosed views. The Romney Marshes NCA is a flat, open landscape offering expansive views. Heritage features such as the Royal Military Canal, Napoleonic Martello towers, and medieval churches can be seen in long views across the marsh and from the elevated Weald landscape to the north. These features reflect its rich history of reclamation, defence, and settlement.
124. Access for walking is well-supported by a network of footpaths, cycle routes, and key attractions like the Royal Military Canal and the ancient towns of Rye and New Romney. The area is characterised by open marshes and scattered settlements, provides an ideal setting for exploring its historical and natural heritage.
125. With regard to local landscape designations, the site lies within the Old Romney Shoreline Settlements (LCA 19) and adjoins the Romney Marsh Mixed Farmland (LCA 2). Both Landscape Character Areas (LCAs) emphasise protecting the areas:
 - Landforms.
 - Open, far-reaching views to and from Romney Marsh.
 - Historic features.
 - Intrinsic rural character.
126. The need for protection of the southern slopes of the Old Romney Shoreline Settlements has been clearly defined in both National and Local Landscape Character Assessments due to the transitional topography creating long views and vantage points to enjoy the internationally important coastal landscape.
127. The existing settlement of Hamstreet aligns sympathetically with the local topography, stretching north-south along contour lines. Most residential buildings have ridge heights below the height of Cotton Hill, allowing the site's topographical ridge to screen development in long views from the south.
128. This site forms part of a series of ridges marking the historic shoreline of southern England, spanning from Rye to Lympne. The area between the Royal Military Canal and the B2067 Hamstreet Road is characterised by scattered,

small-scale developments, such as individual houses or clusters of farming and industrial buildings. In contrast, the proposed development would introduce an unprecedented scale and density on the southern slopes of this historic shoreline, which otherwise remains free of comparable development for over 20km.

129. The elevated site currently provides for sweeping views across Romney Marsh, extending 10km to the south and east. The site is crossed by PRow AE575 and so those views have experiential qualities for PRow users. Views from Romney Marsh to the site show the historic shoreline with no comparable built form. Development on this visually prominent land would disrupt these vistas and degrade the rural character of the site and the Marsh.
130. The proposed scale and density of the development would urbanise views toward the historic shoreline from the Marsh, undermining the area's open, rural nature. I consider that Fig. 20 of the LVIA (replicated in **Figure 14** below) demonstrates the significant urbanising impact of the proposed development in this rural area. The open rural vistas of the site itself would be undermined by introducing any built form on the southern slopes of the Old Romney Shoreline Settlement.



Figure 14 – Year 0 view of proposed development from Royal Military Canal

131. In addition, Romney Marsh offers significant recreational opportunities that rely on its open and undeveloped character. The marsh landscape supports active travel and well-being through key routes such as the Royal Military Canal Path (less than 500 m from the site) and the King Charles III England Coast Path. The recreational offer and open, low-lying nature of the marsh landscape create a significant area that would be adversely impacted by development of the historic shoreline. The proposed development would compromise the tangible connection that people enjoy with this historic and natural landscape.
132. In conclusion, the proposed development site is topographically prominent, it has historical significance and it connects to the internationally significant

Romney Marsh landscape. The proposed development of this site would conflict with the recommendations of both National and Local landscape character assessments and it would irreparably harm the historic, recreational, and visual integrity and the expansive landscape setting of the site.

133. I therefore consider the proposed development would result in an overly urban form of development that would harm the rural character of the area, representing an excessive amount of development in this rural area. The development would therefore be in conflict with policies SP1, HOU5 and ENV3a of the Local Plan and the NPPF, in particular paragraphs 129 and 135, which seek to ensure that the scale and nature of development is appropriate to its context and to safeguard against development that would cause significant harm to the area's prevailing character and landscape setting.

g) Residential amenity

134. ALP policy HOU5 requires development proposals to not adversely impact on neighbouring uses or the standard of amenity for nearby residents.
135. The application site is bordered by a number of existing dwellings, particularly to its western boundary. Whilst outline planning permission is sought at this stage, the application includes a Parameters Plan that identifies the location of the proposed residential parcels within the development. This is included at **Figure 15** below.

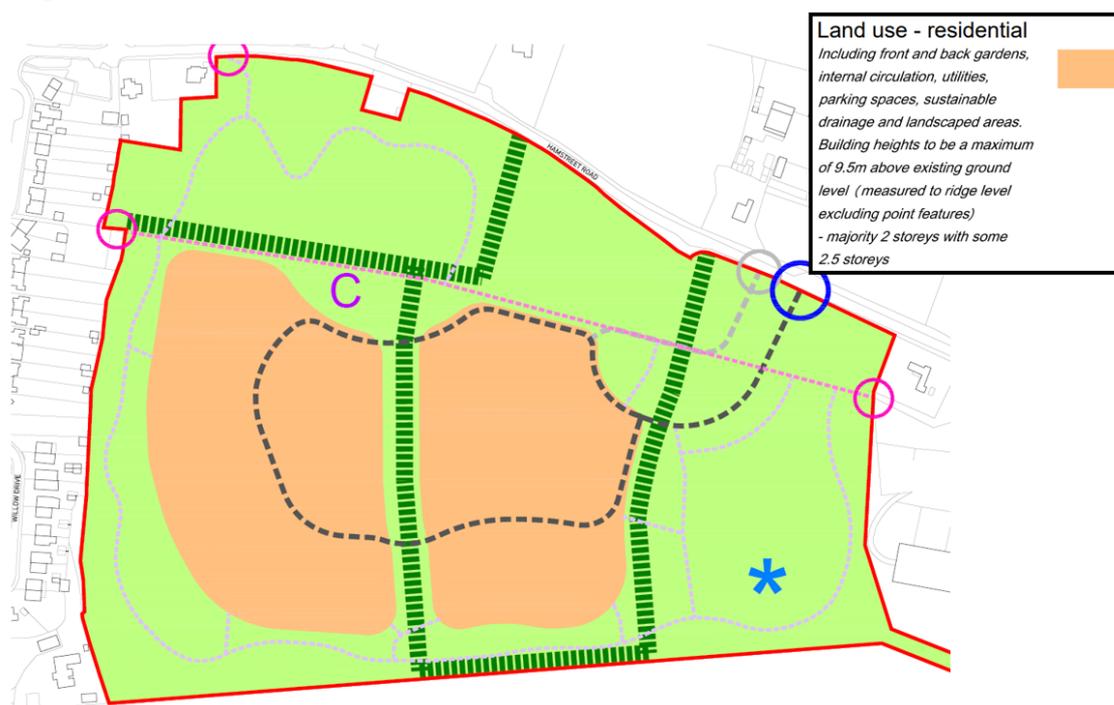


Figure 15 – Proposed residential parcels

136. Despite the majority of the site being set at a higher level than neighbouring dwellings, I consider the distance of separation between the residential parcels and neighbouring dwellings (approximately 50 metres at the closest point) would ensure that the development could come forward with no unacceptable neighbour amenity impact caused, subject to the consideration of detailed plans at the reserved matters stage. Furthermore, I do not consider there would be any unacceptable harm caused to the amenities of existing residents located close to the vehicular or pedestrian access as a result of any noise/disturbance caused by the use of the accesses.
137. I therefore consider that the existing neighbouring residents in the vicinity of the site are unlikely to be unacceptably affected by the residential activity generated by the proposals.
138. Whilst there may be a potential for there to be impacts on the amenities of existing local residents during the construction of the development, I consider that relevant environmental protection measures could be secured by a planning condition, such as requiring the provision of a Construction Management Plan, to help mitigate these impacts.
139. In terms of the amenities of the future occupiers of the development, adequate internal and external private space would need to be demonstrated in any submission of reserved matters that would flow from a grant of outline planning permission in accordance with relevant Local Plan policies HOU14 and HOU15. I am mindful that the application is 'up to' in terms of dwelling numbers and that at detailed layout and design stage that headline figure might not be realisable with only a lesser amount actually being able to be satisfactorily accommodated.
140. I conclude that the proposal would be acceptable in terms of residential amenity.

h) Affordable housing

141. Policy HOU1 of the Local Plan requires the provision of no less than 40% of residential units in schemes in this area to be provided as affordable housing. In addition, policy HOU14(a) requires at least 20% of all new build homes to be built in compliance with Building Regulations part M4(2) as a minimum standard.
142. The applicant has proposed a 40% affordable housing provision as part of this development, to be provided at the agreed tenure split of 10% affordable/social rent accommodation and 30% affordable home ownership products. The applicant's submission states that these would be located in small clusters and evenly distributed throughout the development to avoid any sense of isolation

or separation. The applicant has also confirmed their intention for a minimum of 20% of the residential units to be compliant with Building Regulations part M4(2).

143. ABC Housing Services have raised no objection to the proposed affordable housing provision but request that 10 of the 56 homes are one-bedroom. I consider this could be addressed through a s.106 Agreement, should the development otherwise be considered to be acceptable.
144. Whilst the applicant's proposed affordable housing provision would comply with the requirements of policy HOU1, and the provision of M4(2) compliant dwellings would comply with the requirements of policy HOU14(a), there is currently no s.106 Agreement or undertaking to secure this provision. As such, the development, as currently proposed, would not comply with the requirements of Local Plan policies HOU1 and HOU14(a).

i) Contamination

145. Paragraph 196 of the NPPF requires an assessment of the ground conditions of a site, including any risks arising from contamination, alongside an assessment of proposed mitigation and/or remediation.
146. The applicant's submission does not identify any potential sources of contamination from previous uses of the site. Given the site has historically been in farming use, I consider there to be some potential for contamination to be present.
147. I consider this matter could be dealt with by an appropriate condition requiring necessary assessments to be carried out, and any remediation measures to be identified, prior to the commencement of the development, should the development be otherwise considered acceptable.

j) Sustainability and climate change

148. Policy SP1 of the ALP requires new developments to be resilient to and mitigate against the effects of climate change. ALP policy ENV7 requires new residential development to meet the optional Building Regulations water efficiency standard of a maximum of 110 litres per person per day.
149. The Council's Climate Change Guidance for Development Management sets out guidance on the types of infrastructure that will be expected to be delivered as part of new housing development in order to help mitigate the impacts of climate change, namely solar technology, EV charging and rainwater harvesting.

150. The applicant has proposed that the development would be constructed to comply with the Building Regulations, including the provision of EV charging for each dwelling, and that the water efficiency standards would meet the maximum of 110 litres per person per day required by ALP policy ENV7. I consider the level of sustainable construction measures and infrastructure proposed in the application represents a lack of ambition in this regard, particularly for a development of this scale.
151. Given the lack of sustainable construction measures and infrastructure proposed for this development, I do not consider the development would help to mitigate against the effects of climate change. The development would therefore be in conflict with ALP policy SP1 and the Council's Climate Change Guidance for Development Management.

k) Housing land supply

152. Turning to housing land supply considerations, the Council is not currently able to demonstrate the minimum five-year supply of housing, as required by paragraph 78 of the NPPF. The most recent published supply position was the Five Year Housing Land Supply Update ('5YHLSU') which was published in September 2024 and covers the period April 2024 - March 2029. This states that the Council is able to demonstrate a housing land supply position of 4.39 years.
153. The inability to demonstrate a five-year supply of deliverable housing sites means that paragraph 11(d) of the NPPF (referred to as the 'titled balance') can be engaged. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development and that for decision-making this means:

"d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance(7) provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination(9)."*

154. Footnote 8 of the NPPF states that situations where the policies which are most important for determining the application are out-of-date “*includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*” In effect, paragraph 11(d) requires additional weight to be given to the delivery of homes in the required balancing exercise.
155. The tilted balance is engaged unless either of the criteria (i) or (ii) of paragraph 11(d) are met. Criterion (i) refers to policies in the Framework that protect areas or assets of particular importance, examples of these types of environments are listed in Footnote 7 of the NPPF. Among those listed are habitats sites and heritage assets, so the assessment of the impact of the development upon the Dungeness complex protected habitats sites, the Ham Street SSSI/NNR and the Royal Military Canal SAM is relevant.
156. Criterion (ii) requires an assessment of the proposal against the policies in the NPPF taken as a whole, with particular regard to the key listed policies.
157. Paragraph 195 of the NPPF is relevant as this establishes that the presumption in favour of sustainable development does not apply to development that is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the development would not adversely affect the integrity of the habitats site. Nonetheless, whilst an appropriate assessment has not been adopted by the Council, I do not consider the development would result in a likely significant effect on the protected habitats site to which I have referred.
158. In accordance with Paragraph 11(d) and footnote 8 of the NPPF, I consider the policies which are most important for determining the application are out-of-date because the Council is not currently able to demonstrate a five year supply of deliverable housing sites. The acceptability of the development will therefore need to be assessed against criterion (i) and (ii) of paragraph 11 (d). I deal with this matter further below.

I) Planning obligations

159. 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

160. If the proposed development was acceptable in all other respects (which, in my opinion, it is not) then the planning obligations set out in the Table 1 below would be sought through a recommendation that outline permission be granted, subject to the applicant entering into a s.106 Agreement.

Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the committee report are considered to be 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. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>40% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> • 10% for affordable or social rent. • 30% for affordable home ownership (of which 20% of the total dwellings should be shared ownership). <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>14 affordable rent units</p> <p>42 shared ownership units</p>	<p>To be constructed and transferred to Registered Provider before occupation of 75% of the general market units.</p>

<p>2</p>	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 28 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 7.5% of affordable rented dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the affordable rented element of the scheme.</p>	<p>20% M4(2) across the whole site.</p> <p>7.5% of the affordable rented dwellings = 1 unit to be M4(3b)</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
<p>3</p>	<p><u>Amenity Open Space Land</u> Project detail:</p> <p>To provide the Amenity Open Space Land in each phase in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Amenity Open Space Land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The developer to set up a Management Company, at the developer's cost, and to transfer the Amenity Open Space Land to the Management Company to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Amenity Open Space Land being transferred to the Management Company.</p>	<p>On site:</p> <p>All those parts of the site comprising verges and all areas (not privately owned) in and around dwellings, excluding public open space/play space.</p>	<p>The Amenity Open Space Land to be provided and transferred to the Management Company before occupation of 75% of the dwellings in each phase.</p>
<p>4</p>	<p><u>Children and Young People's Play Space</u></p>	<p>On site:</p>	

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	<p>Project detail:</p> <p>To provide the Children’s and Young People’s Play Space Facilities on site in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Children’s and Young People’s Play Space Facilities land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The developer to set up a Management Company, at the developer’s cost, and to transfer the Children’s and Young People’s Play Space Facilities to the Management Company to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Children’s and Young People’s Play Space Facilities being transferred to the Management Company.</p>	<p>A minimum of 0.17 hectares + £663 per dwelling for maintenance Indexation: BCIS General Building Cost index from Q3 2012</p>	<p>The play facilities to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Management Company before the occupation of 50% of the dwellings (or upon completion of the facilities in the relevant phase, if earlier).</p>
5	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards indoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the ‘Hubs’ identified in the Local Plan 2030.</p>	<p>£83.08 per dwelling for capital costs (3G pitches) + £527.32 per dwelling for capital costs (sports hall)</p> <p>(Capital only – contributions are derived from the latest Sport England Calculator).</p>	<p>50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable before occupation of 75% of the dwellings.</p>

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		Indexation: BCIS General Building Cost index 2019	
6	<p><u>Informal Natural Green Space</u> Project detail (on site):</p> <p>To provide the Informal Natural Green Space in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Informal Natural Green Space is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The developer to set up a Management Company, at the developer's cost, and to transfer the Informal Natural Green Space to the Management Company to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Informal Natural Green Space and habitat buffers being transferred to the Management Company.</p>	<p>On site:</p> <p>8.49 hectares + £325 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index from Q3 2012</p>	<p>The Informal Natural Green Space to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Management Company before the occupation of 50% of the dwellings (or upon completion of the Informal Natural Green Space, if earlier).</p>
7	<p><u>Outdoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£500.00 per dwelling for capital costs + £358.00 per dwelling</p>	<p>Prior to the occupation of 75% of the dwellings.</p>

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		<p>for maintenance</p> <p>(For capital contributions - calculations are derived from the latest Sports England Calculator</p> <p>Indexation: BCIS General Building Cost index 2019</p>	
8	<p><u>Quality Monitoring</u> Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following: £90.00 per dwelling + £45.00 per flat</p> <p>Indexation: Indexation applied from the date of the Committee resolution.</p>	<p>The total amount due will be payable on commencement of the development.</p>
9	<p><u>Self/Custom Build Housing</u> Amount to be secured in accordance with Policy HOU6: Not less than 5% serviced plots for use by custom/self-builders to be made available and marketed.</p>	<p>Up to 7 serviced plots (5% of total dwellings)</p>	<p>Each reserved matters application to be accompanied by a Self/Custom Build Housing</p>

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	<p>Full details of the serviced custom/self-build plots, a Design Brief and marketing strategy to be submitted to and approved in writing by the Council prior to submission of the first reserved matters application.</p> <p>If, following a marketing period of no less than 12 calendar months, it is demonstrated that there is no interest from a Self-Build / Custom House Builder, the plots can be developed as open market housing.</p>		proposal, to include timings/trigger points
10	<p><u>Strategic Parks</u> Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs + £47.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index from Q3 2012</p>	50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable before occupation of 75% of the dwellings.
Kent County Council Planning Obligations			
11	<p><u>Adult Social Care</u> Project detail:</p> <p>Contributions towards Specialist Housing Provision in the district, adaptation of community facilities, technology to promote independence, multi-sensory facilities and changing place facilities in the vicinity of the development within the Borough.</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings
	<u>Community Learning</u>		

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12	<p>Project detail:</p> <p>Contributions towards additional equipment and resources for Adult Education Centres and outreach facilities serving the development.</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>
13	<p><u>Libraries</u></p> <p>Project detail:</p> <p>Contributions towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development.</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.</p>
14	<p><u>Primary Schools</u></p> <p>Project detail:</p> <p>Contribution towards the provision of a new school within the Ashford Planning Group including Hamstreet Primary Academy and/or neighbouring Planning Group.</p>	<p>Per Flat: £1,134.00 (New Build)</p> <p>£831.00 (Extension)</p> <p>Per House: £4,535.00 (New Build)</p> <p>£3,324.00 (Extension)</p> <p>£0 for any 1-bed dwelling with less</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>

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		<p>than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	
15	<p><u>Public Rights of Way (PROW)</u> Project detail:</p> <p>Contributions requested towards improvements to public footpaths AE575 offsite, AE384, AE558 and AE557 to improve connectivity and the quality of the routes to the amenities listed within the application documents, as well as to the surrounding existing communities.</p>	<p>Approximately £30,000-50,000. Amount of financial contributions to be confirmed by KCC.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.</p>
16	<p><u>Secondary Schools</u> Project detail:</p> <p>Contributions towards provision of additional secondary education places within the district.</p>	<p>Per Flat: £1,172.00 (New Build) + £1,029.00 (Extension)</p> <p>Per House: £4,687.00 (New Build)</p> <p>£4,115.00 (Extension)</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings</p>

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		<p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	
17	<p><u>Travel Plan Monitoring Fee</u> Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel Plan.</p>	<p>£1,000 per annum for from commencement of development until 5 years after completion of the development.</p> <p>Indexation: Indexation applied from the date of the Committee resolution.</p>	<p>First payment before the first occupation on the development and on the anniversary thereof in subsequent years.</p>
18	<p><u>Youth Services</u> Project detail:</p> <p>Contributions towards additional resources for Integrated Children's Services to enable expansion of capacity within the hubs and provision of outreach work in the vicinity of the development.</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.</p>

Other Obligations			
19	<p><u>Primary Health Care (NHS)</u> Project detail:</p> <p>Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.</p>	<p>£864 per dwelling.</p> <p>Indexation: Indexation applied from the date of the Committee resolution.</p>	<p>Half the contribution before occupation of 25% of the dwellings and balance before occupation of 50% of the dwellings.</p>
Monitoring			
20	<p><u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring and reporting.</p>	<p>£500 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the Committee resolution.</p>	<p>First payment before commencement of development and on the anniversary thereof in subsequent years</p>
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> • Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change. 			

Conclusion and planning balance

161. In view of the above assessment, I consider that the proposed development would be of a significant scale for the village of Hamstreet which would have numerous deficiencies that would result in it being an unsustainable form of development, contrary to Development Plan policy and the NPPF taken as a whole.
162. The scale of development proposed, along with the extent of the proposed residential parcels across the site, would result in an urbanising form of development that would fail to accord with prevailing local character, would demonstrably harm the sensitive rural landscape and would result in 'less than substantial' harm to the setting of the Royal Military Canal Scheduled Ancient Monument.
163. The local facilities and services in Hamstreet are commonly set beyond the generally accepted easy walking distance of 800 metres from the majority of the site. The application does not include a safe and suitable access for pedestrians, so the development would provide insufficient pedestrian connectivity to day-to-day services and public transport. The development would therefore fail to encourage sustainable modes of transport, with the future occupiers of the development being reliant on private cars for day-to-day activities.
164. The applicant's Ecological Appraisal does not include appropriate surveys of the application site but it identifies that the development would cause a minor adverse effect on the nearby nationally designated Ham Street Woods SSSI/NNR.
165. The development would fail to incorporate sufficient sustainable construction measures and infrastructure to help mitigate against the effects of climate change. The development would also result in some loss of best and most versatile agricultural land.
166. In addition to the above, the applicant has failed to enter into a legal agreement to secure the delivery of the necessary affordable housing, Building Regulations M4(2) compliant dwellings, custom and self-build housing and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting.
167. Whilst I acknowledge that the proposed development would result in the delivery of housing to help meet the shortfall in the Council's five-year housing supply and provide much needed affordable housing, I consider the harm that I have identified would result would significantly outweigh the planning benefits that would arise from the development and that it would be in conflict with the Development Plan and the NPPF taken as a whole.

168. The 'tilted balance' of Paragraph 11(d) of the NPPF would be engaged because the Council is not able to demonstrate a five-year supply of deliverable housing sites.
169. With regard to Paragraph 11(d) criterion (i), the development would result in 'less than substantial harm' to the setting of the Royal Military Canal Scheduled Ancient Monument, whilst it would also result in minor harm to the Ham Street Woods SSSI. I consider that this harm provides a strong reason for refusing the development proposed.
170. With regard to Paragraph 11(d) criterion (ii), as set out in the above assessment, the development would be in conflict with various policies of the NPPF and I consider that the harm caused by the proposed development would significantly and demonstrably outweigh its planning benefits.
171. In terms of those policies referred to in Footnote 9 of the NPPF as being the key for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination, I consider that the development would be in conflict with Paragraphs 110, 115 and 129 of the NPPF because the development would be located in an unsustainable location that is poorly located in relation to local services and unsuitable and unsafe pedestrian access is proposed. This, in turn, would promote the use of private car journeys by occupiers of new homes to access everyday services in Hamstreet and the development would fail to offer a genuine choice of transport modes.
172. I consider that the development would also be in conflict with Paragraphs 129 and 135 of the NPPF because it would cause significant harm to the area's prevailing character and landscape setting, in particular as a result of the harm caused to the internationally significant Romney Marsh landscape and the setting of the Royal Military Canal Scheduled Ancient Monument. The development would also conflict with Paragraph 66 of the NPPF because the applicant has failed to enter into a legal agreement to secure the provision of the necessary 40% affordable housing.
173. Whilst I accept that there would be a planning benefit to providing up to 140 homes (56 of which would be affordable homes) and that this would contribute towards meeting the current shortfall in the Council's five year supply of deliverable housing, for the reasons that I have set out above I consider the adverse impacts of granting outline planning permission would significantly and demonstrably outweigh the planning benefits of new housing and, therefore, the development would be in conflict with the policies of the NPPF taken as a whole.
174. In view of the above, I recommend that planning permission be refused.

Human Rights Issues

175. I have taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their 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).

Recommendation

Refuse

on the following grounds:

1. The proposed development of this prominent site in this rural location outside the settlement confines of Hamstreet would represent an unsustainable form of development that would result in a physical and visual intrusion of development into the open countryside which would have an adverse impact on the sensitive landscape character of the area, in conflict with policies SP1, SP2, SP6, HOU5 and ENV3a of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraphs 129 and 135.
2. By reason of the distance of local services and facilities to the site, together with the lack of a safe and suitable pedestrian access to the site for all users, the development would be located in an unsustainable location where future residents of the development would not have access to appropriate local services and facilities that are convenient and accessible by sustainable modes of transport. The application is therefore in conflict with policies SP1, SP2, SP6, HOU5, TRA4, TRA5, TRA6 of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraphs 110, 115 and 129.
3. Notwithstanding the outline status of the application, from the illustrative information submitted it is likely that the scale, massing and layout required in order to meet the quantum of development sought on the areas of land identified would be such as to be suburban in character and appearance. This, together with the vehicular accesses proposed from Hamstreet Road, would be in conflict with the prevailing form of development and the rural character of the area, in conflict with policies SP1, SP2, SP6 and HOU5 of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraph 129.
4. In the absence of appropriate surveys of the application site and a lack of sufficient mitigation towards the impact of the development on the Ham Street

Woods Site of Special Scientific Interest and National Nature Reserve, the applicant has failed to demonstrate that the development would not cause harm to protected species, or to fully mitigate its minor adverse effect on Ham Street Woods Site of Special Scientific Interest and National Nature Reserve. The application is therefore in conflict with policies SP1, HOU5 and ENV1 of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraphs 135 and 193.

5. The application has failed to demonstrate that public benefits would be delivered by the development that would outweigh the less than substantial harm to the setting of the nearby Royal Military Canal Scheduled Ancient Monument. The application is therefore in conflict with policies SP1, HOU5 and ENV13 of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraphs 212 and 215.
6. The application has failed to demonstrate that the development would be resilient to and help mitigate against the effects of climate change. The application is therefore in conflict with policies SP1 and SP6 of the Ashford Borough Local Plan 2030, the Council's Climate Change Guidance for Development Management and the National Planning Policy Framework.
7. In the absence of a legal agreement to secure planning obligations, including affordable housing provision, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting, the applicant has failed to secure the infrastructure and facilities required to meet the needs generated by the development. The application is therefore in conflict with policies SP1, HOU1, HOU6, HOU14, TRA8, COM1, COM2, IMP1 & IMP4 of the Ashford Borough Local Plan 2030 and the National Planning Policy Framework, in particular paragraph 66.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraph 39 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals 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:

- pre-application advice was available to the applicant/agent,
- the applicant/agent was updated of any issues in the processing of their application,
- the application was dealt with without delay,
- 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 PA/2024/1908)

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