

- a) **DOV/16/00576 - Outline application for the erection of two detached dwellings, alterations to the existing access and car parking - Land adjacent and fronting Roseacre, East Langdon Road, Martin**

Reason for report: the number of third party contrary representations.

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM11 states that development that would generate high levels of transport will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:
 - I) in accordance with allocations made in Development Plan Documents
 - II) or justified by the needs of agriculture,
 - III) or justified by a need to sustain the rural economy
 - IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Land Allocations Local Plan

- None applicable

Dover District Council – Saved policies (2002)

- CO8 states development which would adversely affect a hedgerow will only be permitted if no practicable alternatives exist; or suitable native replacement planting is provided; and future maintenance is secured through the imposition of conditions or legal future agreements.

National Planning Policy Framework (NPPF) 2012.

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental roles which should not be undertaken in isolation.
- Paragraph 14 states that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- Paragraph 17 sets out the core planning principles... Planning should.... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..." take account of the different roles and character of different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it..."
- Paragraph 49 states 'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.'
- Paragraph 55 states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as.
 - I) the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - II) where such development would represent the optimal viable use of heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - III) where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate settings; or
 - IV) the exceptional quality or innovative nature of the design of the dwelling. Such a design should: be truly outstanding or innovative, helping rise standards of design more generally in rural areas reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Paragraph 56 states the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
- Paragraph 60, Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is, however, proper to seek to promote or reinforce local distinctiveness".
- Paragraph 63 states determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area".

Other Guidance/Relevant Matters

- Kent Design Guide
- Hedgerow Regulations 1997

d) **Relevant Planning History**

PE/15/00154 - Pre-application advice sought in September 2015 which covered a number of options for the site and adjacent stable block. The advice stated that the erection of either one or a number of dwellings would be contrary to local policies and unacceptable in principle unless the need for a rural worker could be demonstrated.

89/00892 – Erection of a stable block for private use - granted

e) **Consultee Responses –**

County Archaeologist: Awaiting response

Parish Council: Raised no objection but commented on the narrowness of the road at this point and that it is within a national speed limit area.

Principle Ecologist: The land is not within a domestic curtilage and therefore the hedgerow bounding East Langdon Road may be subject to the Hedgerow Regulations 1997. (The regs cover hedgerows over 30 years old which appears to be the case here). Therefore, if the application is to be refused on the grounds of loss of the hedgerow, an informative should be included stating that the hedgerow may be subject to the Hedgerow Regulations 1997.

The Natural Environment and Rural Communities Act 2006 requires that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity is a material consideration in planning and the NPPG Natural Environment section states that “Information on biodiversity impacts and opportunities should inform all stages of development ...” and that “an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.”

In this case it would appear that the site could support reptiles and the boundaries and surrounding area with its established network of hedges and mature trees could also be significant for wildlife, including bats. Paragraph 99 of the ODPM Government Circular 06/2005 requires that it is essential that the presence or otherwise of protected species is established prior to the grant of planning permission. It would be normal in such circumstances that an application be accompanied by a preliminary ecological assessment (Phase 1 survey) in order that biodiversity may be considered otherwise the grant of a planning permission would be premature.

Third Party Responses

Nine letters of support have been received which may be summarised as follows:

- The proposed development will enhance the area
- There would be very little impact on the area
- There is a need for housing in the village
- The proposal will enable those who have grown up in the village to remain
- Would not be obtrusive or detrimental to the landscape

f) 1. The Site and the Proposal

1.1 The site comprises a field covering 0.099 hectares on the north west side of East Langdon Road, outside the hamlet of Martin and beyond any settlement confines, and within the countryside for planning purposes. The site is bounded by hedges/trees to the road and to the north east with the property Roseacre located beyond. Fronting onto East Langdon Road is a substantial and strong established roadside hedgerow which forms part of a more expansive hedge line along East Langdon Road, which is a rural lane. The site rises to the north west, being raised approximately two metres from the road.

1.2 The area including the application site is rural/equine in character and appearance. The existing access to the site serves the stables to the south which were granted under reference 89/00892. The majority of the site appears to be used for the exercising of horses and has the appearance of a ménage. There is sporadic development on the north east side of East Langdon Road and a pair of semi-detached cottages (The Holt) beyond the site and on the opposite side of the road, beyond Roseacre, to the north east.

1.3 The proposal is in outline, with all matters reserved, for the erection of two detached single storey units. It is stated that improvements will be made to the existing access, but the nature of these improvements are unclear.

2. Main Issues

2.1 The main issues in the consideration of this application are:

- The principle of new dwelling in this location.
- Design and Appearance, rural amenity and street scene.
- The impact on residential amenity.
- Transport/travel.
- Sustainability overview.

3. Assessment

3.1 Principle of Development

3.2 Policy CP1 of the Core Strategy identifies the location and scale of development for each settlement in terms of hierarchy. Both Martin and Martin Mill are small hamlets with no settlement confines and for the purposes of planning the site is considered to be within the countryside.

3.3 Policy DM1 of the core strategy identifies that development on land outside rural settlement confines will not be permitted unless specifically justified by, amongst

other things, other development plan policies or it functionally require such a location. The proposed dwellings would be located outside the confines, and there is no functional requirement for them to be in such a location. It is not justified by other development plan policies. Accordingly it is contrary to Core Strategy and NPPF policy in particular paragraphs 14, 49, and 55.

- 3.4 There is currently a five year housing land supply deficit in the District. In such circumstances, paragraph 49 of the National Planning Policy Framework advises that relevant Local Plan policies for housing should not be considered up to date in such cases. Therefore the weight given to policy DM1 in this case is somewhat diminished.
- 3.5 Having said that, it is not considered that the absence of a five year housing land supply should be conclusive in favour of the grant of planning permission, but it could add weight in consideration of the proposal. In this case, the provision of two dwellings is considered to have very limited benefit in contributing towards the deficit.
- 3.6 The lack of the five year housing supply means that the proposed development as far as housing is concerned must therefore be considered in the context of paragraph 14 of the National Planning Policy Framework. This requires that the adverse impacts of granting permission must demonstrably outweigh the benefits but this has to be assessed against other NPPF policies, including those which indicate that development should be restricted. Accordingly the adverse impacts as well as the benefits must be considered.

3.7 Design/Appearance, Rural Environment and Street Scene

Design and Appearance

- 3.8 The NPPF identifies that isolated houses in the countryside should be avoided unless there are special circumstances such as the exceptional quality or innovative nature of the design (para 55). Good design is a key aspect of making places better for people (para 56). Great weight is given to outstanding or innovative design (para 63). Decisions should not attempt to impose architectural style or stifle innovation (para 60).
- 3.9 The application has not provided any details relating to the layout and design of the proposed dwellings and accordingly the proposal can not be considered to comply with NPPF paragraphs 55, 56, 60 and 63.

Rural Environment and Street Scene

- 3.10 One of the core planning principles of the NPPF is to protect the intrinsic and character and beauty of the countryside. Policy DM15 states that any development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted if it is:
- I) in accordance with allocations made in Development Plan Documents.
 - II) or justified by the needs of agriculture,
 - III) or justified by a need to sustain the rural economy

IV) or a rural community, it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

- 3.11 The surrounding area is characterised by a mix of dwelling types, typical of such a rural location, with only sporadic loose knit residential development, open fields to the east and west and has a unspoilt rural character and appearance. The site currently has the appearance of an exercise area for horses (ménage) associated with the stables to the south. No details have been submitted relating to its current use, or whether the proposed development would necessitate a replacement facility to be provided.
- 3.12 The development would be visible from a public footpath some 140 metres away to the north west. This is some significant distance, of course, but there is a limited amount of intervening landscaping, and so the development would be at least noticeable. Landscaping may eventually screen the site from the north west to some extent, however this is not considered to entirely alleviate landscape harm.
- 3.13 The development proposals would be likely to result in loss of hedgerow which would be required to achieve suitable visibility onto the road. Clearly the loss of such hedgerow would compound the harm to the quality and appearance of the rural street scene and countryside. With regards to wildlife habitat protection a preliminary ecological assessment is required alongside such applications as this and has not been supplied. Accordingly there is insufficient information to determine whether there would be ecological impact.
- 3.14 The development proposals are not considered to have satisfied Core Strategy Policy DM15 nor NPPF countryside protection policy, and would be unacceptable in terms of their effect and impact on the rural environment and street scene.
- 3.15 Impact upon residential amenity**
- 3.16 No information has been provided regarding the location of the dwellings within the site and the positioning of the windows, and therefore it has not been possible to assess the impact on residential amenity of the existing neighbouring occupants and those of the proposed dwellings.
- 3.17 Transport/travel**
- 3.18 To achieve the appropriate vehicular access vision splays the sight lines required within a derestricted area would be 45 metres each way. This cannot be achieved on land within the applicant's control, which extends just 35 metres to the south. Accordingly there are highway concerns. Furthermore, it is likely that in order to achieve the splays that removal/lowering of the existing hedgerow would be required. This would itself create a streetscene at odds with the rural location and natural unspoilt, characteristic of the streetscene.
- 3.19 The Dover District Settlement Review and Hierarchy describes both Martin and Martin Mill as having no community facilities and just one Public House each. Bus services to each settlement are limited and "although Martin Mill is one of the

few rural settlements served by rail, the lack of general facilities would make this settlement unsuitable for further development". Due to the limited level of facilities it is expected that the occupants of the proposed dwellings would have to primarily rely on private motor vehicles for basic day to day needs which is contrary to the NPPF. Overall the proposal is considered to be unsustainable due to its location and the lack of public transport.

3.20 Policy DM11 of the Dover District Council Core Strategy states, "Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan Policies". As discussed above, although Martin Mill has a railway station, this is located 800 metres (0.5 miles) away along rural lanes with no pedestrian footways: It is therefore considered that there would be reliance on the private motor vehicle.

3.21 Sustainability overview

3.22 Sustainable development is identified throughout the National Planning Policy Framework. There are three dimensions to sustainable development and consideration of these roles should not be taken in isolation as they are interdependent. They are set out in the NPPF being: economic, social, and environmental.

3.23 Economic role: The proposed development is for two residential dwellings. The economic benefit involves the use of local contractors during construction. This benefit is however very limited, it also has to be considered whether this is the right type of development, in the right place bearing in mind the siting of the new dwellings would be some distance from any defined settlement confines, being in the countryside.

3.24 Social role: The development would provide two additional dwellings, which may contribute towards meeting the needs of the new occupants. The proposed development is for two dwellinghouses outside any settlement confines, which is not where policy intends new housing development to be located. The NPPF identifies that development should have access to local services: There are no community facilities or shops in either Martin or Martin Mill. A primary school is located in the adjacent village of East Langdon, approximately 800 metres away, along rural lanes with no pedestrian footways. It is therefore considered this development has a limited value in social.

3.25 Environmental role: No details have been submitted regarding the construction of the dwellings, so it is not possible to assess whether this would be sustainable construction. Notwithstanding this, the resultant harm to the wider natural environment, which potentially includes the loss of valuable hedgerow and result in adverse effects on wildlife, introducing development into the open countryside away from public transport links is considered to outweigh any potential sustainable construction benefits.

3.26 It is acknowledged that there may be limited benefits as far as the sustainable objectives of the NPPF are concerned. However these benefits have to be weighed against those matters which give cause for concern which are referred to above and further into this report.

4. Other matters

- 4.1 The site is located within an Archaeological Site, although no response has yet been received from KCC Archaeology. An update can be given at your meeting.

5. Conclusion

- 5.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 55 of the NPPF states “Local Planning Authorities should avoid new isolated homes unless there are special circumstances”. The proposed dwellings are outside any defined settlement confines and there is not sufficient justification for such a development which would clearly be contrary to policies CP1 and DM1 of the Core Strategy and with the aims and objectives set out in the National Planning Policy Framework
- 5.2 In assessing whether the proposal constitutes sustainable development, it is concluded that as a sporadic form of development which would cause material harm to the character and appearance of the street scene and the surrounding rural character and appearance of the area. In addition the lack of relevant wildlife surveys are a problem, as it is not clear whether there are wildlife habitat constraints (considered likely due to the nature of the proposal and the works involved).
- 5.3 Although the proposal would result in two dwellings which would contribute in a very minor way towards the Councils 5 year housing deficit, the contribution would be minimal. It is not considered that this outweighs the level of harm that would result from the proposed in respect of two unjustified dwellings beyond any settlement confines and the harm caused to the setting and appearance of the countryside and the rural street scene. Accordingly the development is unacceptable and it is recommended that planning permission be refused for the reasons set out in the report.

g) Recommendation

I Permission be REFUSED for the following reasons;

- (i) The development, if permitted, would result in an unjustified form of sporadic development, beyond settlement confines and remote from any urban or village centre, that would be harmful to the rural character and appearance of the area and would result in additional vehicle movements and activity on the main and other rural roads, and would fail to maximise walking, cycling and the use of public transport, contrary to the aims and objectives of policy CO8 of the Dover District Local Plan (2002) and Policies CP1, DM1, DM11 and DM15 of the Dover District Core Strategy and the sustainability aims and objectives of the NPPF, in particular paragraphs 14, 17, 49 and 55.
- (ii) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine that the proposed access can achieve acceptable highway visibility standards, in a manner that ensures the safe

operation/use of the proposed access on to East Langdon Road. Accordingly the proposal is contrary to the aims and objectives of the NPPF paragraphs 17 and 56, Core Strategy policies DM15, and the Kent Design Guide: Supplementary Guidance - Visibility (Interim Guidance Note 2)

- (iii) In the absence of any supporting evidence to demonstrate there is no wildlife interest including protected species the grant of planning permission would be premature and contrary to Circular ODPM 06/2005 requirements, in particular paragraph 99

Case Officer
Elizabeth Welch