

a) **DOV/16/01099 – Erection of detached dwelling on site of former Three Horseshoes Public House, Church Hougham, Dover**

Reason for report: The number of third party contrary views.

b) **Summary of Recommendation**

Refuse planning permission.

c) **Planning Policies and Guidance**

Dover District Core Strategy

- Policy CP 1 Settlement Hierarchy- Identifies where housing development should be directed.
- Policy DM 1 Settlement Boundaries- Development will not be permitted on land outside the rural settlement confines unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM 11 Location of Development and Managing Travel Demand- Indicates that development that would generate travel will not be permitted outside urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM 13 Parking Provision.
- Policy DM 15 Protection of Countryside
- Policy DM 16 Landscape Character

National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- The NPPF has 12 core principles which, amongst other things, seeks to: secure high quality of design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment; and actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of NPPF states that housing applications should be considered in the context 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 housing sites.
- Paragraph 55 of the NPPF states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...”

- Paragraph 109 of the NPPF requires that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.
- Paragraph 115 of the NPPF specifies that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Kent Downs AONB Management Plan 2014-2019

Policy SD1- Conservation and enhancement of the Kent Downs AONB.

Policy LLC1- Protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB.

d) **Relevant Planning History**

DO/74/ 357- Erection of two detached bungalows. Planning permission refused.

DO/78/1075- Erection of log house. Planning permission refused.

DO/80/347- Erection of stable and store. Planning permission granted.

DO/85/1096- Erection of bungalow for disabled person. Planning permission refused.

DOV/15/01264- On 5th February 2016 planning permission was refused for the erection of a detached dwelling for the following reason:-

1. The development does not comply with the Core Planning Principles set out in the NPPF and Development Plan Policy. It is unjustified development located beyond any confines, in an isolated and prominent location and if permitted would detract from, and harm the setting, character, appearance and functioning of the AONB, would not generate social benefits, and would not benefit the wider economy. Accordingly, the development is not sustainable and is contrary to the aims and objectives of the NPPF, in particular at Paragraph 7, 14, 55, 109 and 115 and Development Plan Policies DM1, DM11 and DM15.

e) **Consultee and Third Party Responses**

Hougham Without Parish Council- Resolved to positively support this application and approve the design and site location stating that:-

“We are aware that such a new building close to the village would appear to set a precedent for other land owners in the parish to apply for similar permission. However, the council believes this location is a special case because there has already been a property on the site in living memory.

The old pub and other dwellings existed on the site until WW2 when they were badly damaged and demolished. Until this time these properties had been very much part of the community of Church Hougham and even though additional properties were built within the village immediately after the war

there has been only three other new buildings erected since then and most recent of these was around 35 years ago.

We consider thereby that this proposed property is sustainable as part of the village of Church Hougham. The property will not increase traffic flow in the village as the applicants already visit the site regularly to attend their animals which therefore would reduce the number of journeys.”

Ecological Officer- The site is within the Kent downs AONB and has reverted to a greenfield site. The development of a detached house on this isolated site would not conserve the landscape or natural beauty of the AONB, contrary to Paragraph 115 of the NPPF.

Public Representations- A total of eleven letters have been received from seven respondents objecting to the proposal on some or all of the following grounds:-

- Outside designated village confines;
- Adverse impact on character and visual amenity of AONB;
- Site is greenfield not brownfield;
- Unacceptable precedent for future development;
- Unacceptable increase in traffic;
- Exacerbate existing parking and access problems;
- Inadequate infrastructure;
- Additional traffic would damage existing poor quality road surface; and,
- Noise and disruption during construction.

A total of eleven letters have been received from ten individual respondents in support of the application, raising the following points:-

- Development would improve the appearance of the area;
- Dwelling would be well sited;
- There would be no significant increase in traffic;
- Help to restore local population;
- Area would benefit from more houses;
- The village is not isolated or remote;
- Would improve security for the community
- Would deter flytipping; and,
- Development would be good for the welfare of the applicant's horses.

In addition, two responses were received neither objecting to or supporting the application.

f) 1. **The Site and the Proposal**

1.1 The application site is located on the north-eastern fringe of Church Hougham at the end of Parsonage Farm Road, a narrow rural access lane. The site is roughly rectangular in shape with a maximum depth of 38m, a width of 30m and an area of approximately 0.1 ha. The site contains a small barn of timber construction and is bounded by a timber post and wire fence supplemented by a hedgerow to the south-eastern side and a line of trees along part of the south-western side. The site previously contained a Public House and two cottages that were destroyed during WW2, prior to the `appointed day` i.e. 1948. Any structures or buildings on the site are now considered to have `gone`. The lawful use of the site is now for agricultural purposes.

- 1.2 The site lies on high ground within the Kent Downs Area of Outstanding Natural Beauty (AONB) and is readily visible from the surrounding countryside, particularly to the north, west and east. The surrounding area is mainly used for the grazing of horses with a number of the adjacent and nearby fields containing stable blocks and field shelters.
- 1.3 The applicant owns approximately 2.8 hectares of additional land immediately adjoining the application site to the south-west, north-west and to the north-east, which appears to be solely used for the keeping of horses.
- 1.4 The application seeks full planning permission for the erection of a two storey, two bedroom detached house. The proposed building would occupy a central position within the site. It would have a rectangular footprint with a width of 11.5m, a depth of 10m with an eaves height of 4.8 and a ridge height of 7.8m. It would be set back 12m from the Parsonage Farm Road frontage and 6m from the return frontage with the rural track to the east.
- 1.5 The proposed building would be of a 'traditional' design with face brick elevations, a tiled gable roof and UPVC windows. There would be parking on the forecourt for three cars utilising the existing access onto Parsonage Farm Road.
- 1.6 Although located in a comparable position within the site, the two storey gable roofed dwelling currently proposed is significantly larger than the chalet style bungalow with half-hipped roof previously refused (DOV/15/1264). For example, the dwelling currently proposed is 2m wider and 2m its eaves and ridge 2.3m and 1m higher respectively.
- 1.7 The applicant has not submitted a Design and Access Statement or other documentation in support of the proposal. However, Members are advised that in connection with the earlier refused planning application, the applicant's indicated that they need to live on site on a full time basis because they look after horses with on-going medical conditions.

2. **Main Issues**

- 2.1 The main considerations in the determination of this application are:-
 - The principle of the proposed development;
 - Design and impact on the character and visual amenity of the area including the impact on the AONB;
 - Impact on the amenities of neighbouring occupiers;
 - Highways and parking; and,
 - Sustainability
- 2.2 **The Principle of the Proposed Development**
- 2.3 Church Hougham is not specifically identified in the Settlement Hierarchy (Core Strategy Policy CP1) and is thereby classified as a 'hamlet' which is "*not suitable for further development*". Church Hougham does not have confines. Given that residential development

does not functionally require a rural location, the proposal is contrary to Policy CP1.

- 2.4 Having regard to the proposals map the application site itself is located on land outside the designated urban boundaries and rural settlement confines and as such, under policy DM1 of the Core strategy development should not be permitted unless certain exceptions apply:-
- i. Unless specifically justified by other development plan policies; or,
 - ii. It functionally requires a rural location; or,
 - iii. It is ancillary to existing development or uses.
- 2.5 The above exceptions are not applicable in this case and therefore the principle of residential development in this location is also considered to be contrary to Policy DM1.
- 2.6 As members will be aware the District cannot currently demonstrate a five year supply of housing land and under these circumstances the National Planning Policy Framework (NPPF) indicates that policies for the supply of housing including CP1 and DM1 should not be considered up-to-date. Paragraph 49 of the NPPF goes on to state that where policies are not up-to-date planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”* or specific policies in the NPPF indicate that development should be restricted. The lack of a five year supply of housing land diminishes the weight of Policy DM1 to an extent but it remains an extant policy and the decision maker is required to consider how much weight should be attached to it.
- 2.7 In this case Paragraph 55 of the NPPF is of particular relevance and advises that with regard to development in rural areas local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the need for a rural worker to live at or near their place of work; where the development would re-use redundant buildings and lead to an enhancement to its immediate setting; or the design of the dwelling is of exceptional quality.
- 2.8 The proposed dwelling would be located in an isolated rural location beyond any designated settlement confines. It would not provide essential workers accommodation or re-use redundant or disused buildings. Furthermore, as reported below the design of the building would not be of exceptional quality. An additional single dwelling would hardly make a contribution to the Local planning Authority’s housing land supply deficit, and in this case little weight can be given to this argument. The proposal would not accord with the aims and objectives of the Core Strategy and the NPPF with regard to the protection of the countryside and the AONB.
- 2.9 Therefore, the proposal is contrary to Paragraph 55 of the NPPF and Core Strategy Policies CP1 and DM1. Other matters are considered below.
- 2.10 Design and Impact on the Character and Visual Amenity of the Area
- 2.11 The site lies within a protected AONB landscape and the countryside and is thereby subject to Policy DM 15 of the Core Strategy which

seeks to protect the character and visual amenity of the countryside. This development plan policy requirement is in accordance with the statutory requirement set out in the Countryside and Rights of Way Act 2000 to have regard to the “*purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*” in exercising its planning function.

2.12 Paragraph 115 of the NPPF is also pertinent, stating that “*great weight should be given to conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty*”.

2.13 The Council has also adopted the Kent Downs AONB Management Plan as a material consideration in the determination of planning applications. This plan contains a number of policies including SD1 which states:-

“The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions”.

Policy LLC1 sets out:-

“The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.”

2.14 The farmed landscape is a key characteristic of the Kent Downs AONB. Policy FL1 of the Management Plan seeks to “*retain the principally farmed character for which it is valued*”.

2.15 The application site is used for stabling and pasture, in keeping with the surrounding area which is characterised by agricultural or managed grasslands in equine related uses. It is considered that the introduction of an unjustified substantial residential building on this site together with the associated domestic paraphernalia of washing lines, sheds, hard surfacing and potential for fences, walls and gates, would be out of keeping with the prevailing unspoilt rural landscape and would fail to conserve or enhance the visual quality and natural beauty of the AONB.

2.16 Whilst the design of the proposed house may be acceptable for a village setting it is not considered to be of a particularly exceptional quality or innovative nature which would significantly enhance its setting and as such cannot be justified as an exception to the aims of rural protection allowable under Paragraph 55 of the NPPF.

2.17 In summary the proposal would constitute an unacceptable form of development which would have a detrimental impact on the character and visual amenity of the AONB and countryside, contrary to the aims and objectives of policies DM15 and DM16 of the Core Strategy and the NPPF and the AONB Management Plan policies SD1 and LLC1 in particular.

2.18 Highways and Parking

- 2.19 Policy DM 13 of the Core Strategy requires that developments provide a level of car and cycle parking which balances the characteristic of the site, the locality, the nature of the proposed development and design objectives.
- 2.20 The applicant indicates that three off-street parking spaces would be provided utilising the existing vehicular access onto Parsonage Farm Road. Although numerically this is sufficient to meet the Council's parking standards, it is recommended that in the event of planning permission being granted, details of the parking and access arrangement should be submitted to the Local Planning Authority in the interests of visual amenity and highway safety.
- 2.21 Policy DM11 of the Core Strategy does not support development that would generate travel in a countryside location and states that *"development that would generate travel will only be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies"*. The NPPF also places great emphasis on the need to create sustainable development and to make the fullest possible use of public transport, walking and cycling.
- 2.22 The proposed dwelling would be located on the outskirts of a small hamlet over a mile from the nearest small village settlement of West Hougham. There are no significant facilities or public transport services in West Hougham and the application site itself is surrounded by a network of narrow lanes with no footways. In view of these circumstances, it is considered that a family house in this location would not only result in an increase in private car journeys putting more pressure on the rural lane network but would also be too remote to have a positive impact on the vitality and viability of the nearest rural settlement.
- 2.23 Accordingly, it is considered that the proposal would not constitute a sustainable form of development and as such would be contrary to the aims and objectives of the Local Development Framework and the NPPF.
- 2.24 Impact on the Amenities of Neighbouring Occupiers
- 2.25 There are no residential properties in the immediate vicinity of the application site and as such, there would be no adverse amenity implications in terms of privacy, daylight and sunlight.
- 2.26 Sustainability Overview
- 2.27 The development is an unjustified dwelling outside confines, distant from any facilities, remote in public transport terms and within the AONB. The NPPF sets out that sustainable development should perform an economic, social and environmental role. In this case for the reasons set out above the development is not considered sustainable.
- 2.28 Other Matters
- 2.29 The application site is within an AONB and it is therefore necessary, under the EIA Regulations 2011 (as amended) to screen the development as to whether an Environmental Statement would be

required. Due to the scale of the development, in this case it is not considered that an Environmental Impact Statement would be required.

2.30 Conclusion

2.31 The applicant previously put forward a case that the need to care for horses was the primary justification for the proposed development. Whilst it is accepted that horses welfare is important, it is not accepted that this is sufficient justification for setting aside strong policy objections. An on-site presence is very rarely, if ever a sufficient reason to justify overturning heavily weighted policy objections. There are always alternative methods ensuring the wellbeing of horses such as alarm systems and pressure infra-red security lighting Therefore, it is considered that the proposed residential development of this site, which is outside the defined settlement confines and in a rural location with limited access to services and amenities, would represent an unsustainable form of development. Furthermore, your Officers consider that the proposal would constitute an incongruous and visually intrusive feature in this important rural landscape to the detriment of the character and appearance of the Kent Downs AONB. Accordingly, the application is contrary to the aims and objectives of the Local Development Framework and the NPPF and therefore, it is recommended that the application is refused.

g)

Recommendation

Planning permission be REFUSED for the following reason:-

1. The development does not comply with the Core Planning Principles set out in the NPPF and Development Plan Policy. It is unjustified development located beyond any confines, in an isolated and prominent location and if permitted would detract from, and harm the setting, character, appearance and functioning of the AONB, would not generate social benefits, and would not benefit the wider economy. Accordingly, the development is not sustainable and is contrary to the aims and objectives of the NPPF, in particular at Paragraph 7, 14, 55, 109 and 115 and Development Plan Policies DM1, DM11, DM15 and DM16 and the Kent Downs AONB Management Plan, in particular Policies SD1 and LLC1.

Case Officer

Ray Hill