

- a) **DOV/17/00103 – Outline application for the erection of 2 no. detached dwellings (with all matters reserved) - Land at Greenacres, Roman Road, Shatterling**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the 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.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- Paragraph 11 states that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 12 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable

- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 55 states that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances...”
- Paragraph 56 states that 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 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote:
 - strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
 - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Staple Parish Council

No objections raised.

Ecological Officer

Views not received.

County Highways

The existing access is onto the A257 Roman Road and this is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. The visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres, limited by the change in level of the road as it slopes downhill away from the access. By the same token the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings is likely to result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety.

County Archaeologist

Views not received.

Public Representations: Thirteen letters of support have been received, and have made the following comments:

- Provide housing
- Enhance the security of the properties in the vicinity

f)

1. **The Site and the Proposal**

- 1.1 The site lies within the countryside, outside of any settlement confines. The area is characterised by a sporadic type of development adjacent to the road. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The application site abuts the northern edge of Roman Road. It has an existing access to the west. The nearest village to the application site is Wingham which is located at a distance of 1.2 miles from the site.
- 1.2 This application seeks outline planning permission for the erection of two detached dwellings (all matters reserved).

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network

3. **Assessment**

3.1 **Principle of the Development**

The site lies outside of settlement confines, where Policy DM1 applies. Having regard for the wording of the policy which restricts development outside of confines, the erection of two dwellings in this location is contrary to Policy DM1. The general principle (as set out in the pre-amble at paragraph 1.7 of the Core Strategy) is that residential development outside the urban boundaries and rural settlement confines would be a departure from policy and would require “*unusual and compelling justification for permission to be given*”.

3.2 Members will be aware that the Council has until recently been unable to achieve a 5 year housing land supply and that accordingly under paragraph 49 of the NPPF, relevant policies (including DM1) have not been held to be up-to-date and as such have been afforded less weight in decision making. The planning policy circumstances have changed significantly since the time the application was lodged. The Council's five year housing land supply situation has been updated by the 2015/2016 Annual Monitoring Report which was recently agreed by Cabinet (March 2017). This confirms that the Council can now demonstrate a 6.02 year housing land supply and as such the Development Plan Policies relevant to the supply of housing are now considered up-to-date and have full weight. The NPPF paragraphs 11, 12 and 14 (amplifying Section 70(2) of the Act) require planning applications to be assessed in accordance with the up-to-date Local Plan and where the proposal conflicts with the plan they should be refused unless material considerations indicate otherwise.

3.3 In the circumstances, the proposal is contrary to policy DM1 of the Core Strategy.

Impact on the Character and Appearance of the Area

3.4 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of four criteria is met and the development does not result in the loss of ecological habitats.

3.5 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

3.6 The application site is relatively flat and whilst a boundary hedge (which is outside of the application site) provides some screening, it is still readily visible in the countryside and from the main road A257. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The farmed landscape is a key characteristic of this part of countryside. The application site is used for horseculture and pasture, in keeping with the surrounding area which is characterised by agricultural or managed grasslands. It is considered that the introduction of two residential buildings on this site together with the associated domestic paraphernalia including potential hardsurfacing, 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 countryside. The development would also intensify and consolidate the existing sparse built environment in the area, detracting from the intrusive rural character of the area.

3.7 Overall, it is considered that the development would erode the character of this part of the countryside, introducing an urban form of development. As such, the development would be contrary to Core Strategy Policies DM15 and DM16.

Impact on Neighbours

- 3.8 The closest residential property 'Lilac Cottage' lies to the west is sited at a distance of over 20m from the western edge of the application site. It is considered that given the size of the site and its relationship with neighbouring properties, two dwellings could be provided on the site without causing unacceptable harm to the neighbours, subject to acceptable details being submitted in the reserved matters application.

Highways

- 3.9 KCC Highways have raised strong objections regarding the existing access to the site which is onto the A257 Roman Road which is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. As it stands, the visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres and is limited by the change in level of the road as it slopes downhill away from the access. By the same token, the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings would result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety. Therefore, any proposed access would have to accord with the above mentioned visibility splays with a view to overcome the highways objection.
- 3.10 Regard must also be had for whether a new access could achieve appropriate visibility. The application site only extends as far as the highway for the width of the existing access and, as such it would not be possible to provide a safe alternative vehicular access to the site.
- 3.11 Regard has been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwellings would give rise to additional traffic in a location beyond settlement confines and as such would be contrary to the policy.

Other Matters

- 3.12 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 a 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. The proposed dwellings would be located in an isolated rural location well beyond any designated settlement confines. It would not provide essential workers accommodation or re-use redundant or disused buildings. It is not considered that the proposal would be of exceptional quality as no evidence has been provided to this effect.
- 3.13 The applicant put forward a case that the need to care for her son was the primary justification for the proposed development. It is not considered that this is sufficient reason for setting aside strong policy objections. 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.

- 3.14 Reference has been made by third parties to the benefit of providing additional housing, however, the location here is outside the confines of any settlement and therefore in a location where the Development Plan clearly precludes against new residential development.
- 3.15 Regard has been had for whether there are any other material considerations which indicate that permission should be granted contrary to the development plan. However, it is not considered that there are any material considerations that would outweigh the policy harm identified.
- 3.16 Paragraph 17 of the NPPF states that planning should be genuinely plan-led ...[and]... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

Conclusion

- 3.17 It is considered 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 wider countryside. Accordingly the application is contrary to the Development Plan policies and the NPPF. Therefore, it is recommended that the application be refused.

g) Recommendation

I PLANNING PERMISSION BE REFUSED for the following reasons:

1. The proposed development by virtue of its location outside of any settlement confines, in a rural location, would result in an undesirable intensification of development in the countryside, detrimental to the rural character and appearance of the street scene and detrimental to the objectives of sustainable development contrary to policies DM1, DM11, DM15 and DM16 of the Dover District Local Plan and paragraph 17, 61, 69 and 109 in particular, of the National Planning Policy Framework.
2. The development proposed would result in the intensification of use of an existing private access which has sub-standard visibility splays at its junction with Roman Road to the severe detriment of highway safety, contrary to paragraph 32 of the National Planning Policy Framework.

Case Officer

Benazir Kachchhi