

- a) **DOV/17/00402 – Outline application (with some matters reserved) for the erection of a detached dwelling, creation of associated parking and alterations to vehicular access at Land to the South of Cooks Farmhouse, Westmarsh, Ash, CT3 2LS**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policy and Guidance**

Dover District Core Strategy Adopted 2010

- 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 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM13 states ‘parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking’.
- Policy DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- Policy DM16 – Development that would harm the character of the landscape would only be permitted subject to certain criteria.

National Planning Policy Framework (NPPF) (2012)

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- 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 sets out that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise.
- 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 “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that 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...
Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...”
- 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 sets out ‘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 “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 to making places better for people.”
- Paragraph 61 states “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 set out “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 planning system can play an important role in facilities 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 frontage which bring together those who work, live and play in 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 102 “If following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
 - it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

- Paragraph 109 ‘ the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils’.
- Paragraph 129 “Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking into account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.
- Paragraphs 132 – 134 sets out that consideration has to be given to whether there is significant harm, less than substantial harm or neutral harm to heritage assets.
- Paragraph 152 sets out ‘that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate measures are not possible, compensatory measures may be appropriate’.

Other Guidance/Relevant Matters

Kent Design Guidance.

d) **Relevant Planning History**

None relevant

e) Consultee and Third Party Responses

Southern Water

The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the area to serve this development. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Environment Agency

No objection;

The site is situated within an area which is considered to be at significant risk from flooding and is classified as lying within Flood Zone 3a by our flood risk maps. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event. We therefore have no objection to this proposal providing conditions are imposed on any permission granted.

Dover District Councils Heritage Officer

No objection:

Cooks Farmhouse is almost entirely screened by mature trees; there would be limited impact to the setting of the listed building.

Ash Parish Council

Objection;

The site was never used for a residential dwelling and it is outside the confines of Ash;

- On balance the detriment arising from setting a precedent for residential dwellings outside the confines;

- The site is within a flood zone and the mitigation suggested could require a development out of character, without necessary safeguarding against a detrimental impact on surrounding properties;
- The new access is retrospective planning permission and was unable to be properly considered as there were no details or conditions given and no highway reports;
- The site has five grade II listed buildings in close proximity and the suggested outline application suggested a dwelling would not be in keeping with the historic setting of the area.

A total of 14 letters of objection have been received and are summarised below:

- The land is described as being previously occupied by 'Prospect Bungalow', this is not the case, Prospect Bungalow is on the opposite of the site of the road;
- The building identified on the plan as Prospect Bungalow on the plot was in fact occupied by a summer house in the garden of Blaircourt, and was probably a shed or greenhouse;
- The land use to be an overgrown former orchard, it was recently cleared;
- A new entrance over the dyke was made;
- Several cm of soil has been added to the level of the site;
- The plot is on a flood plain, concerns are over the demands on wastewater disposal, the raised land level and removal of any trees, seriously impacting on hydrology;
- The lane is narrow and in a poor state, the new build will result in a number of extra vehicles;
- Lack of village infrastructure;
- The design would appear to be inappropriately large in relation to those around it, especially if it is raised to 0.5 m to avoid flooding;
- An open drain runs through the middle of the adjacent property, taking runoff water from all of the lane and surrounding properties;
- The land level has been raised;
- An unsightly bridge has been put in place changing the secluded nature completely;
- Privacy of garden, bedroom and lounge of Blair Court will be invaded, as a low level fence runs along the border and now the trees have gone its open;
- If you build in every infill in a small hamlet the character, environment and atmosphere are changed forever and soon becomes a village;
- This plot of land has been refused on many occasions, nothing has changed, it's still on a flood plain;
- With all the change of use applications for agricultural buildings, we do not need a new build;
- The clearing of the land took place with no thought for the wildlife, the applicant has no intention of keeping the area in keeping with the rural aspects of the area;
- The applicant states the entrance to the land has been there for years, although there are no evidence of this;
- The size and position of the proposal has surprised locals;
- The outlook would materially change from countryside to residential parking;
- The building would need to be built higher to accommodate the flood levels, the building would be higher than normal;
- The building would be out of scale and character of the area and dominant the landscape;

- The properties are listed and it could alter the setting of the listed buildings;
- Increase in dangerous parking in front of Fairview Farm, many near misses have occurred on this blind junction;
- There is already a threat of development for a caravan park;
- Noise and disruption from construction;

A total of 15 letters of support for the development have been received and are summarised below

- it will affect our view, which is currently open ground; but the countryside continuously evolves, and if no developments are approved, its constrained;
- the present entrance is the restoration of an existing gateway used by local residents in 1970, the old gateposts are in the same position;
- a number of properties immediately around the site have been altered;
- there are still 13 trees on site, the old damson-hawthorne – bramble hedge has been cleared in order to open and level the land;
- the application is from a local person with local roots and is seeking to build a house for his family;
- I am relieved the land has not been sold off to developers who might well try to fit in six or eight dwellings on the site;
- It will enhance the small area of the village which has been rough scrubland for nearly 40 years;
- A new dwelling would be a natural infill between Cooks Farmhouse and other properties;
- It would have a minimal impact on privacy to adjoining properties and also access to and use of the minor roads surrounding the area;
- The applicant would provide support to his mother who owes the adjacent property;
- All reference to and recourse will be sought from Southern Water to maintain good drainage;
- Who knows what plans are for future tree planting?
- The application is for an outline planning permission for a bungalow which was once part of Blair courts garden;
- Many applications for properties in gardens have been passed and should remain the case when gardens become unmanageable;
- We must look to the future of the area as well as the rest of the country;
- Why should Westmarsh be fossilised?
- Hardly any properties around this area to rent or purchase and with rising house prices in the area, it would be a good opportunity for a home;
- The area before was an eyesore and quite dangerous with overhanging trees and bushes especially ambulances and delivery people. It's now a safe and pleasant area;
- This piece of land was part of a working farm;
- Are the houses not already on a flood plain, last serious flood was in 1970's;
- Cannot see a problem when you can build 500 houses on green belt land.

f) 1. The Site and the Proposal.

- 1.1 The site relates to a rectangular plot of land covering 0.285 hectares on the south east side of Wass Drove outside any settlements confines. The site is a flat site laid to grass and bound by a post and rail fence fronting onto Wass Drove, with an access running over an existing ditch. Trees and undergrowth have been removed

from the site. A 1.8 metre fence forms the southern boundary dividing the plot and Blair Court, with some sporadic screening along the northern boundary screening Cooks Farm House. The rear boundary remains open and unscreened with views towards Britleen to the east.

- 1.2 The area including the application site is rural/agricultural in character and appearance where there is typical sporadic residential and agricultural development in the wider unspoilt landscape. Wass Drove serves a number of cottages and does not have any footways or highway verges, but has mostly fields adjoining the highway and gaps between buildings contributing to an open character and rural appearance.
- 1.3 The properties within close proximity are modest in style and scale. A detached listed building Cooks Farmhouse lies to the north and a detached bungalow to the south.

Proposal

- 1.4 The proposal is outline with layout, scale and access to the site for determination at the reserved matters stage. All plans are indicative.
- 1.5 The proposal seeks to erect 1 x 4 bedroomed dwelling with an attached garage and off street parking accessed off Wass Drove. The indicative scale of the proposed dwelling measures 8 metres in height, 18 metres in width (a footprint of 144 square metres) and have a depth of 8 metres. 4 parking spaces are proposed.
- 1.6 The dwelling would be set back from the road by approximately 11.5 metres with a large area of hardstanding to serve the access and the garage entrance.
- 1.7 There has been some concerns raised over the proposed access. An access has recently been formed onto the site and the proposal as described involves retrospective planning permission in respect of the access.

2. Main Issues

- 2.1 The main issues for consideration of this application are:
 - The principle of a new dwelling in this location.
 - Character and appearance of the area.
 - The impact on residential amenity.
 - Potential impact on heritage assets.
 - Transport/Travel
 - Other matters

Assessment

Principle of Development

- 3.1 Policy CP1 of the core strategy identifies the location and scale of development for settlement in terms of hierarchy. Westmarsh is defined as a hamlet which is not suitable for further development unless it functionally requires a rural location.
- 3.2 The site lies outside the settlement confines, where policy DM1 applies. Having regard for the wording of the policy which restricts development outside of confines, the erection of a dwelling in this location is contrary to Policy DM1. The general principle (as set out in the preamble 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'.

- 3.3 Members will be aware the Councils five year housing land supply situation has changed and the Council can now demonstrate a 6.02 year housing supply and as such the development plan policies are relevant to supply the housing are now considered up-to-date and have full weight. The NPPF paragraphs 11, 12 and 14 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. In the circumstances the proposal would be contrary to policy DM1 of the Core Strategy. The principle of the development is therefore unacceptable unless otherwise justified.

Impact on 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 and appearance of the countryside should be refused, unless one of the four criteria is met, set out below.

- i. In accordance with allocations made within the Development Plan Documents or
- ii. Justified by the needs of agriculture; or
- iii. Justified by a need to sustain the rural economy or a rural community;
- iv. It cannot be accommodated elsewhere; and
- v. It does not result in the loss of ecological habitats.

- 3.5 The application site due to the removal of the boundary tree/hedgerow cover is now exposed within the street. The scale of the building proposed is likely to appear significant. The scale and likely form of the building, including its associated hard surface, access works and driveway would be unlikely to be successfully mitigated against. Landscaping would take some while to establish in any case. Due to the access works and necessary visibility splays of around some 45 metres each way, the site would largely always be exposed to inward views.

- 3.7 The intrusive nature of the proposal would therefore be unacceptable, due to its effects and impact on the character and appearance of this street scene and rural environment. In terms of DM15 the development is unacceptable. As far as the National Planning Policy Framework is concerned development of this site would not conserve or enhance the natural environment, as per paragraph 17, nor would it respond well to the intrinsic character and beauty of the countryside.

- 3.8 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. It is considered that there is no harm under DM16 of the core strategy to the wider landscape character, as the site is not readily noticeable from the wider landscape.

Residential amenity

- 3.9 The details in respect of openings to buildings are not incorporated as part of this application, and would have to be carefully considered at the reserved matters stage. Otherwise there appears to be no harm caused to any residential amenity.

Potential impact on Heritage Assets

- 3.10 The NPPF recognises that heritage assets are irreplaceable resources and they need to be conserved in a manner appropriate to their significance. Local planning authorities are required to take into account the desirability of sustaining and enhancing the significance of a heritage asset. Additionally the local planning authorities are required to assess development, which may affect the setting of a heritage asset taking into account the available evidence. In consideration of the impact of a proposal on a heritage asset conflict between the heritage assets conservation and any aspect of the proposal is sought to be avoided.
- 3.10 Great weight is required to be given to assets conservation. Proposals that do not preserve conservation areas and their setting are resisted. It is therefore essential to assess the impact that this proposal would have on these assets. In this instance the application site is adjacent to Cooks Farmhouse (a listed building).
- 3.12 Paragraphs 132 – 134 of the National Planning Policy Framework sets out that consideration has to be given to whether there is any harm to the significance of the heritage asset.
- 3.13 The Council's Conservation Officer has raised no concerns in respect of the application due to the screening separating the application site and Cooks Farmhouse. It is considered there would be no harm caused to the setting of the heritage asset. The impact is considered to be neutral.

Transport/Travel

- 3.14 The Dover District Hierarchy describes Westmarsh as a hamlet. Due to the limited level of facilities it is expected that the occupants of the proposed dwelling would have to primarily rely on car journeys for basic day to day needs which is something the National Planning Policy Framework seeks to avoid. 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. In this instance there is no such justification and therefore the proposal fails to comply with the aims and objectives of this policy.

Flooding.

- 3.15 The application site is located within a flood zones 2 and 3. The Environment Agency have been consulted and have raised no objections subject to ground floor levels for all living accommodation to be set to a minimum of 2.51m ODM as indicated on the Flood Risk Assessment and all sleeping accommodation to be set at first floor level. These can be conditioned accordingly.

Conclusion

- 3.16 The proposed dwelling is outside the settlement confines and there is not sufficient justification for such a development which would be contrary to policies CP1, DM1 and DM15 of the Core Strategy and with the aims and objectives set out in the National Planning Policy Framework.

g) Recommendation

PERMISSION BE REFUSED for the following reason; The development would, if permitted, by virtue of its location, scale and accompanying engineering works along with the loss of the already removed hedgerow and creation of the necessary visibility splays, would result in an unjustified, sporadic form of development, which would be visually intrusive detrimental and harmful to the rural character and appearance of the rural street scene, contrary to the aims and objectives of the core strategy policies DM1, DM11 and DM15 and the sustainability aims and objectives of the NPPF in particular at paragraphs 7 and 14.

Case Officer

Karen Evans