

a) DOV/17/00636 - Erection of single storey two-bedroom eco house - Land south-east of Hull Place, Sholden, Deal

Reason for Report: No of contrary views (7)

b) Summary of Recommendation

Refuse Planning Permission

c) Planning Policy and Guidance

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF)

Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Paragraph 8 continues stipulating that these roles should not be taken in isolation, because they are mutually dependent

Paragraph 10 requires plans and decisions to take local circumstances into account to respond to opportunities for achieving sustainable development.

Paragraph 14 – states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”

Paragraph 17 - Core planning principles planning should:

- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- 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 vitality of our main urban areas...
- 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 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50 seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for future needs, identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and ensure such policies should be sufficiently flexible to take account of changing market conditions over time.

Paragraph 55 of NPPF 'rural 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 such as:

the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

Such a design should be truly outstanding or innovative, helping to raise 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. 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 57 emphasises that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.

Paragraph 132 outlines that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state that the more important the asset, the greater the weight should be.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve the substantial public benefits that outweigh that harm or loss, or unless a number of criteria are satisfied.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Core Strategy

CP1-Settlement Hierarchy
CP3-Distribution of Housing Allocations
DM1- Within Settlement Boundary
DM11-Location for Development and Managing Travel Demand
DM13- Parking Provision
DM15 Protection of the Countryside
DM16-Landscape Character

Other

Kent Design Guide

d) **Relevant Planning History**

PE/16/00007 A pre-application enquiry into erection of eco house on site.

e) **Consultee and Third Party Responses**

Sholden Parish Council were consulted and objected to the proposal on the following grounds:

- Objects as Buffer zone between Sholden Fields and Hull Place compromised. The buffer zone needs to be maintained, helping to maintain the tranquillity of the area and maintain screening. The trees help to disperse run off water from Sholden Fields onto Hull Place. Trees have TPO's and should remain.
- Access is unsafe onto Sholden New Road and access into the site is compromised with the 2 stone pillars in situ. Habitat for slow worms which have already been disturbed by the Sholden Fields development. Wildlife area of Hull Place should be respected and allowed to recover the recent development.

DDC Trees and Horticulture no response.

DDC Heritage were consulted and raised no objection to the proposal.

Southern Water no response.

Third Party Responses

Seven letters of support on following grounds:

- Sustainable, contemporary architecture a good thing in this location;
- The modest eco house would blend in with the environment;
- The site is currently an eyesore with litter dumping and trees falling down and would benefit from the development;
- Government is encouraging self-builds and this is a well-considered, modest and sensitive plan;
- The applicant would retain as many trees as possible and double the replanting of trees being taken out, revitalising the existing wood belt;
- Safe access and exist can be improved with a convex mirror and reduction in foliage in summer. A 20mph speed limit is also an option;
- The new bungalow will not infringe on the lane that clearly denotes the area between Sholden Fields and Hull Place;
- Scale of the bungalow is in keeping with the size of the site;
- Neighbours would not be impacted upon by the dwelling or its inhabitants.

Three letters of objection on following grounds:

- The woodlands, should not be disturbed but maintained, as TPO trees on this

site

- Increased in traffic, car parking demand and adverse impact on Highway Safety, narrow entrance and poor visibility
- Lack of information about services
- Existing trees provide buffer zone and privacy would be undermined by development
- No economic benefit to development
- Increased flood risk due to recent developments will be exacerbated by this development
- Adverse impact on slow worms a protected species.

f) The Site and the Proposal

1. The application site is located within the grounds of Hull Place, located to the north of Sholden and approximately one mile to the north-west of Deal. Hull Place Manor is a Grade II listed property built in the early 18th Century. The property has since been altered and extended from its original state in 1915 and 1931. The Manor House is red bricked and with plain tiled roof. Within the grounds of Hull Place are a number of dwellings which have been built subsequent to the Manor House. Originally these properties would have been used as outhouses or quarters to the Manor House. These dwellings now all fall under separate private ownership.
2. The application site is approximately 0.2ha in size and is positioned in the south-eastern part of Hull Place's grounds. This area is currently occupied by dense woodland and several of the trees are protected under Tree Preservation Orders (TPO's).
3. The proposed development site can be accessed by foot and vehicle via an existing entrance and private drive off Sholden New Road. The site is also located c. 300 metres from an existing bus route which provides regular service towards Sandwich, Deal and Canterbury.
4. The site lies outside of the Sholden development boundary but is adjacent to the recently completed Sholden Fields Development of 230 dwellings immediately to the west of Hull Place. This means that the proposed development site is now surrounded by residential use to the north, south and west.

Preliminary Matters

5. A pre-application enquiry under Ref PE/16/00067 was submitted for the erection of an eco-house on the subject site, the LPA reply dated 28th April 2016 advised that:
 - The site is outside of Deal's urban boundary and for the purposes of planning is considered to be within the countryside. Policy DM1 of the CS does not permit development on land outside the settlement boundaries unless it is justified by other development plan policies or it functionally requires such a location.
 - The proposed development would be a departure from adopted policies and would require unusual and compelling justification for permission to be given. This justification would need to be assessed against the core theme in the NPPF of promoting sustainable development which has three dimensions - economic, social and environmental.
 - The existence of TPO No. 1 (1958), which covers the swathe of land which lies betwixt Hull Place and the recently constructed Sholden Fields development would render it unlikely that you such a justification with no demonstrable environmental harm would be caused.

- This substantial mixed evergreen tree belt forms a strong visual screen between Sholden Fields and the listed properties at Hull Place. The screen ensures that these Listed properties are effectively visually self-contained and that there is no clear view between them and the newly constructed homes at Sholden Fields. This was an important consideration during determination of the application for Sholden Fields. Where views exist, the siting of an open space between Sholden Fields and Hull Place limits any visual impact.
- The protection of the trees by virtue of the TPO therefore has a clear function of screening the Listed properties at Hull Place, and any loss of trees in this area would be strongly resisted.
- In summary, there would be an in-principle objection to the proposed development, which could not be overcome by changes to the siting or design of the proposed development.

Proposed Development

6. The proposal is for the erection of a detached single storey eco house with a new vehicle access and one car parking space off-street. The dwelling would have an indicative floor area of 84 square metres.
7. The main issues in the determination of this planning application are:
 - Principle of the development
 - Landscape character and countryside
 - Design and visual impact
 - Trees and landscaping
 - Residential amenity
 - Highways and access

Principle of Development

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
9. The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.
10. The Council considers that it can demonstrate 6.03 years supply of housing. Accordingly, the Policies within the Dover Core Strategy shall be accorded full weight.
11. The site is outside of the confines of Sholden/Deal defined settlement and the use of the site for additional residential dwelling is considered to be contrary to Policies CP1 and DM1 and therefore unacceptable in principle.
12. Whilst there is residential development to the north-east and west and further away to the east, it is separated by buffers such as a tree belt, a water course and open grounds. Officers therefore do not consider that it is 'surrounded by development as claimed in the Planning Statement submitted in support of this scheme.
13. With regard to exceptional justification, the applicant claims that the proposed dwelling will be raised from the ground to minimise any ground disturbance or impact

to the existing trees located on site.

14. Paragraph 3.6 of the planning statement sets out the merits of the proposed development:

- Improved efficiency due to factory fabrication;
- Development of a lightweight home that requires very low impact foundation to minimise ground disturbance;
- Low impact to site due to reduced build time and labour;
- No material waste with any surplus materials recycled;
- Superior air tightness for high levels of energy efficiency due to factory controlled conditions;
- Improved quality with high levels of accuracy;
- Sustainably sourced timber from managed sources;
- Natural breathable insulation;
- Natural timber cladding which will weather a silvery shade to blend into the surrounding woodland;
- Energy efficient heating using air source heat pump heating system with log burning stove for backup.

15. In addition, under ref DOV/10/01065 the “Land North East of Sandwich Road and North West of Sholden New Road, Sholden: Erection of 230 residential dwellings.” Was granted permission outside of the defined settlement. In justifying this decision the Planning Officer recommended that planning permission be granted at the Dover District Council planning committee on 14/12/2011.

16. The Planning Statement in paragraph 4.4 states that:

“The Officer’s report relating to the application at Sholden Fields concluded that due to the self-contained nature of the site, which is substantially screened by mature tree belts, the development should not adversely impact the wider countryside. The report also states that the development accords with government planning policy relating to sustainable development”

17. In paragraph 6.4 of the Planning Statement the applicants claim that the LPA is currently unable to demonstrate a five-year supply of housing. As such, Paragraph 49 of the NPPF takes effect, and the presumption in favour of sustainable development is engaged. In light of this, policy DM1, DM15 and DM16 of the Council’s Core Strategy, which aim to restrict development in the countryside, should not be material considerations when determining this application as the proposed development site is surrounded by residential use.

18. In paragraph 6.8 the applicant claims that in terms of the screening between the Sholden Fields and Hull Place listed buildings, the proposed eco-house will be placed at the centre of this woodland area thus leading to limited impact on the existing tree line. Although a small number of non-TPO trees will be removed, the impact this will have on the woodland area will be minimal to ensure that a strong visual screen between the two developments will remain.

19. The planning statement concludes its justification of the scheme being in accordance with paragraph 7 of the NPPF and that the proposed development fulfils an economic, social and environmental role.

20. Officer’s in response have already set out that in excess of a 5 year housing supply can be demonstrated and therefore that full weight is therefore accorded to all Core Strategy Policies. Moreover, whilst the applicant can demonstrate that the proposed eco house would use sustainable construction methods, there would be no wider

public or environmental benefits. Officers remain concerned that its impact on the tree belt, protected trees and the wider landscape character and appearance will not be safeguarded.

21. Officer note that the applicant is not attempting to rely on exceptional design as set out in paragraph 55.
22. In summation, the LPA retains its objection in principle to the proposed development and justification for a departure from this policy has not been demonstrated by the applicant.

Impact on Landscape Character and Countryside

23. Policy DM15 refers to the protection of the countryside and stipulates that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is:
 - i). In accordance with allocations made in Development Plan Documents, or
 - ii). Justified by the needs of agriculture; or
 - Justified by a need to sustain the rural economy of a rural community
 - it cannot be accommodated elsewhere; and
 - it does not result in the loss of ecological habitats.
24. Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
25. The application site is not surrounded by development as there are various buffers in between development to the east and west of the site. Of most importance is the wooded area which notwithstanding the avoidance of harm to the TPO'd trees would be denuded by the proposed development not least as a new vehicular access will be required to facilitate the development. The proposed development is not justified by the criteria set out in Policy DM15 above and would in officer's view serve to detract from the countryside character and appearance contrary to this Policy.
26. Policy DM16 refers to the landscape character of the proposed development site and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if (inter alia):

'It can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level.'

27. No landscape character assessment has been submitted. However due to its siting it is considered that the impact on the wider landscape is at best neutral.

Design and Visual Impact

28. The proposal would be a single storey flat roofed property of contemporary design and of a relatively modest footprint. The house itself is considered to have a relatively minor impact on the appearance of the surrounding area but the vehicular access would in effect open the site up although most of the visual impact would be limited by the fact it would be within the access road leading to Hull Place Manor. Officers consider that consequently its impact would be relatively minor on the surrounding area.

Trees and Landscaping

29. No comments have been received from the Trees and Horticulture Officer. However, from the proposed plans it would appear that tree cover may be affected. Therefore if planning permission were to be recommended these views would have been sought before a decision would have been made. The application site has a significant number of trees within it, and some of these would have to be removed from the site should permission be granted. The submitted Arboricultural report identifies these are being all of category C or less, and as such, their loss is not considered to be to the detriment of the character of the area.
30. That said, there would be the potential for future pressure to remove the other trees, particularly as there are a number of self-seeded sycamores within the site – which are known to be fast growing. It is considered that the location of these development, within the cluster of trees, the provision of the access and the use of the land as residential curtilage would result in the harm to the overall character and appearance of the locality, if not the trees themselves.

Residential Amenity

31. The site is of a sufficient size to enable a dwelling to be accommodated with adverse impact on neighbours in terms of overbearing or overlooking impacts.

Highways Implications

32. The site would be accessed from a private road leading to Hull Place and given the modest scale of the development is considered unlikely to generate any significant traffic or to contribute to adverse highway safety issues. The single car parking space would be in accordance with the Maximum car parking standards set out in Kent CC SPG 4 and with bus services being in relatively close proximity (less than 300 metres away) is considered acceptable to officers.

Heritage

33. The application site is located a significant distance away from Hull Place, a Grade II listed building which is an early 18th Century dwelling (now split into three) planned around a central courtyard. The grounds to Hull Place, also contain Grade II listed gates and wall which are approximately 30metres to the north of the building (and thus further away from the application site).
34. Paragraphs 132-135 of the NPPF relate to the significance of heritage assets and how planning applications should be determined to ensure that great weight is given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
35. Because of the level of separation (approximately 70metres) and because the building would be enclosed within an area of substantial tree planting, it is not considered that the proposal would have any negative impact upon the setting of these listed structures – i.e. the impact upon the heritage asset would be neutral.
36. It is therefore considered that the proposal would accord with the requirements of paragraphs 132 – 135 of the NPPF in this instance.

Conclusion

37. The Council can demonstrate a five-year housing supply and accordingly, the policies in the Core Strategy and Land Allocations Local Plan are to be given full weight. The development proposes a new house outside of the defined settlement boundary which is contrary to Policy DM1 of the Core Strategy.

38. The strategic planning permission granted under DOV/10/1065, located directly to the south-west of the site, is being claimed as being beneficial to the proposed development. Officers however consider that the application site is part of a tree-covered, green buffer zone between a Listed Building and a recent major development scheme which serves to maintain and enhance the surrounding countryside.
39. The applicant has not provided satisfactory justification as to why a departure from the development plan should succeed and as such the Council maintains its objection in principle to the development as set out in its pre-application response in 2016 under PE/16/00067.
40. The development would represent an unsustainable form of development which is located outside of existing settlement confines in what is, for development management purposes, a countryside location. The proposal is therefore contrary to Policy DM1 of the Core Strategy regarding the location of new development. No justification has been provided with regard to inter alia exceptional design as set out in paragraph 55 of the NPPF and there are not considered to be any other exceptions which would justify the development.
41. Whilst the proposal would provide an additional dwelling, this would not in any meaningful way contribute toward housing figures. Notwithstanding this, in any case the council are able to demonstrate a 5 year housing line supply. This marginal benefit is heavily outweighed by the introduction of a dwelling in an attractive green buffer zone which has established tree cover and which contributes to providing a clear break between the modern housing development to the south-west and the more historic development to the north-east. There would be demonstrable harm to the character and appearance of the locality and the semi-rural environment of the area as a result of the introduction of a form of sporadic development in this location. The development would therefore fail to comply with Policy DM15.
42. NPPF Paragraph 14 outlines the presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-taking. The presumption requires development proposals that accord with the development plan to be granted planning permission without delay. In this instance, the proposals are contrary to the aforementioned policies in the development plan and there are no material considerations identified that would outweigh this. The application should therefore be refused.

g) Recommendation

I PERMISSION BE REFUSED for the following reason:

The proposed development would be located outside of the urban and village confines and would therefore represent an unjustified and unsustainable form of development, that by virtue of its location, form and design, in addition to the proposed loss of trees, would result in harm to the character and appearance of the locality, thereby proving contrary to the aims and objectives of the NPPF (paragraphs 12, 14 and 17) and the Dover District Council Core Strategy Policies DM1, DM15 and DM16.

Case Officer

Chris Hawkins