

a) DOV/17/00778 – Change of use from holiday let to a residential dwelling - Sushael, Denton Road, Wootton

Reason for report: Called in by Cllr Ovenden

b) Summary of Recommendation

Planning permission be refused.

c) Planning Policy and Guidance

Dover District Council Core Strategy

- 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 DM4 states ‘Permission will be given for the re-use or conversion of structurally sound, beyond the confines for commercial 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 or appearance of the countryside will only be permitted if it is justified by a need to sustain the rural economy or a rural community’.
- Policy DM16 ‘Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted development incorporates design measures to mitigate the impacts to an acceptable level’.

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 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 Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the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 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 49 States “that Housing applications should be considered in the context of the presumption in favour of sustainable development. In addition to the above, it states that 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 seeks 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.
- Paragraph 56 emphasises 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 65 “Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal’s economic, social and environmental benefits”.
- Paragraph 115 attaches great importance 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.
- Paragraph 197 sets out local planning authorities should apply the presumption in favour of sustainable development.

Other Guidance/Relevant Matters

Kent Area of Outstanding Natural Beauty Management Plan.

(d) Relevant Planning History

DOV/17/00017 – Change of use from holiday let to residential dwelling – Refused for the following reason:

The proposed development would result in the loss of a rural tourist facility and would create a new dwelling within an unsuitable location. The proposed would generate additional traffic movements to and from the site to key services and would also likely to result in further domestic paraphernalia within its curtilage to the detriment of the visual amenity of the locality. the proposal would therefore be contrary to Dover District Council core strategy policies in particular CP1, DM1, DM4 and DM11 and the areas and objectives of the NPPF, in particular paragraphs 7, 14 and chapter 3.

DOV/12/00084 – Alterations to existing building (retrospective) and change of use to holiday let, to include alterations to provide attached stables and tack store, ancillary parking and access – Granted.

DOV/10/00200 – Certificate of lawfulness (existing) for continued use as a residential dwelling – registered.

(e) **Consultee and Third Party Responses**

Cllr Ovenden – Supports

The site is sustainable and therefore not against policy DM1, it is using a prebuilt form of development and rural gardens are classed as brownfield. There is no impact on the countryside and therefore should be approved.

Denton-with-Wootton Parish Council - Objects

Consideration has been given to the comments of the re-submitted application covering letter. This does not materially affect the previous comments summarised below;

- A number of applications have been submitted and refused, including its initial use as a holiday let. The previous application for the premises was designated for demolition but this was not enforced and subsequently retrospective permission was given as a holiday let.
- It would appear the building was not designed or built as a permanent habitation and accordingly would not comply with current regulations and could require substantial alterations.
- The main house, previously known as Susheal has been sold to new owners and renamed Hillcrest.
- The reference to Millfield as Sushael in this application may mean that the full background planning history of the premises may not be clear to all potential respondents.
- It is difficult to conceive that this application provides any further evidence that change of use is appropriate despite the extensive consideration that similar applications have previously been given.
- It is fully understood that the owner has difficulty in selling the premises because of the restrictions currently in place but consider that this reason is not sufficient to justify a change of use application. The application should be refused or granted on the merits of the application itself and not the potential for financial gain or change of ownership.
- The granting of permission in such a matter would set a precedent for other premises designed and built for non-residential or short-term occupation with the intent of subsequently applying for change of use to full habitation, when an application for planning for new residential premises would have been refused.
- The changes required to make what is currently a non-residential building, with only permission for temporary habitation, suitable as a permanent residence is likely to be the extensive alterations to the existing premises, which we do not believe can be justified at this stage.
- The issues currently exist in respect of utility services to Susheal and the two other properties that have been sold from the larger site, Hillcrest and Woodside, including water and drainage, as they were previously serviced as a single property. As this is an ongoing matter which may materially affect the usage of all three properties we believe that these matters should be resolved before any further permission in respect of a change of use of this property is considered or granted.
- Concerns that the landscape and visual report and photographs are misleading. The report was completed in 2011 and substantial changes have taken place since that time, including a considerable reduction in the trees surrounding the property,

meaning that the premises are now much more visible from the road and other public rights of way, in addition to the neighbouring properties.

- As the parish council we do not recall having seen any information or planning application for tree removal. The premises do sit within the AONB and this should be seriously considered in respect of this application.
- The previous objections and comments in respect of change of use applications for these premises remain relevant and should be considered.

One letter of objection has been received and is summarised below;

- The site is not well screened it does not take into account the autumn season, there will be a visual impact for other villagers and the Hillcrest;
- There would be a loss of a tourist facility as identified in previous planning application refusal;
- The property being used as a holiday let in the local area is a viable business and in fact there has been a resident with her two pets in place in April;
- The re marketing of the property for sale, this may be due to the current valuation for potential investors, in the current climate.

(f) **The Site and Proposal**

1.1 The application site is located on the north side of Denton Lane, to the north-west of Wootton and outside of the defined settlement boundaries. The site is located 3.4 miles outside of Shepherdswell which provides access to shops and local amenities. The nearest train station is approximately 6 miles away in Temple Ewell.

1.2 The site comprises an irregular plot of land, including an access which affords access to Woodside, which is located to the rear of Sushael. The property Woodside is immediately adjacent to the northern boundary of the application site, with Hillcrest and Hillcrest Lodge located to the east of the application boundary.

1.3 The subject of the application is an existing holiday let, which is currently situated within a cluster of residential dwellings set back significantly from Denton Lane with an access through a gated entrance.

1.4 The holiday let consists of a bedroom at first floor, with a bathroom, kitchen and dining room on the ground floor. Attached is garaging and a store room.

Proposal

1.5 Planning permission is sought for the change of use of the holiday let to a residential dwelling. The external appearance of the holiday let and its built footprint would not change as a result of this application. Therefore the application is intended solely to obtain permission to use the building as a permanent dwelling.

Supporting information

1.6 In support of the application the planning statement states 'the current owners previously owned this and the adjacent property Hillcrest, however, since selling Hillcrest they have found it difficult to run the property as a holiday let as it is no longer feasible for them to run as a holiday let'.

- 1.7 The letter from Miles and Barr dated 6th December has been submitted which sets out that the property has been marketed on its own and as part of a larger plot since 2013. It sets out that the rural location would make the managing of a holiday let time consuming and the lack of residential use on the property makes borrowing for a purchase difficult limiting the purchasers. Additionally purchasers would be couples or a local family as they would want to live in the property as their only home.
- 1.8 An additional email has been submitted from Winkworth (dated 1st February 2013) which sets out that the property with holiday let restrictions would not be suitable for a standard mortgage and would be classed as commercial which would reduce the amount of purchasers who could fund it on standard terms.
- 1.10 A letter dated 2nd December 2016 from Ward and Partners has also been submitted. They state they 'have been marketing the property for around three months' and identify that the restriction in place restricting the property to holiday home/secondary residence has had a detrimental effect on the sale ability of the property but also the price'. (this likely to be around the latter part of 2016). A further letter from Wards (August 2017) indicates their position with regards to the difficulty in the achieving occupancy of the holiday home – due to an absent landlord.
- 1.11 The applicant has said that he has tried to let the holiday let out and it appears that several agencies would not list it or run with it as a viable proposition, as such.

2. Main Issues

2.1 The main issues for consideration are;

- Principle of the development.
- The loss of a holiday let as a tourist facility;
- Impact on residential amenity;
- The impact on the character and appearance of the street scene and rural area;
- Highway issues
- Sustainability Overview
- Other Matters

Assessment

3. Principle of Development

3.1 Planning permission was granted under DOV/12/00084 for the conversion, of what was then an existing building, to a holiday let. The permission was given against a backdrop of a policy of restraint with regard to residential development beyond a rural settlement, but in acknowledgement that the holiday let restriction would be in accordance with government policy to encourage small business, including tourist accommodation. Since that time, national planning policy has generally remained unchanged with regard to the location of housing in the rural area, with the focus for development being at existing communities, this also being reflected locally through the application of a settlement hierarchy under Policy CP1 of the Core Strategy. In the case of the current application site/proposal:

- Wootton is considered to be a hamlet (where settlement confines do not apply) and in accordance with Core Strategy policy CP1 is not considered suitable for residential development.

- The nearest settlement confines are at Lydden, approximately 2.45 miles to the north east and Shepherdsweil approximately 3.4 miles to the south east. Policy DM1 does not permit development on land outside settlement confines unless it is justified by other development plan policies or it functionally requires such a location. A functional justification would include a proven accommodation need for an agricultural worker.
- Where a proposal would be contrary to Policy DM1, as in this case, the Core strategy indicates (para 1.7) that it would require “unusual and compelling justification for permission to be given”.
- Policy DM4 only permits the conversion of rural buildings to private residential uses where the building is adjacent to the confines, which would not apply to the current application site.
- DM11 resists development that would generate travel beyond settlement confines unless justified by other development plan policies, none of which can be identified in this case.

3.2 The proposal would therefore lead to an unrestricted residential use in a location where the Development Plan precludes such development and would be contrary to the Development Plan. Members will be aware that the Council is able to demonstrate a 5 year housing land supply and that, in the context of paragraph 49 of the NPPF, full weight can be given to the Core Strategy housing policies. The NPPF affirms (Paragraph 12 & 196) that the planning system should be plan-led, with the development plan being the starting point for decision making.

3.3 It is important to point out that, for the fair and efficient operation of the Development Management service, the evaluation of material considerations should be undertaken in a manner that can be consistently applied to other proposals of a similar nature. Setting aside the circumstances of this application, the following matters provide a relevant backdrop for assessing proposals to remove holiday let restrictions, in locations where (as is the case here) housing would not normally be acceptable:

- There has been a longstanding practice (subject to site specific circumstances) of favourably considering conversions to provide residential accommodation with a holiday use restriction. The justification for this stems from Policy DM4 (and prior to that LE20 of the 2002 Dover District Local Plan), which allows for the conversion of rural buildings outside settlement confines for commercial uses, which in essence a holiday let use is. The local planning authority generally takes a positive approach to holiday let conversions in recognition of the wider economic benefits for rural tourism and the local economy.
- The credibility of this permissive route under DM4 (and for the retention of the stock of holiday lets granted over previous years) relies on a robust and consistent approach being taken to any application to subsequently have a holiday let condition removed thereby enabling a property to be used as an unrestricted dwelling. Otherwise there’s a strong risk that applications for holiday lets could be perceived as or might become, inadvertently or otherwise, a ‘back door’ means of securing open market housing in locations, which would be contrary to the strategy of the development plan. Such an outcome would also undermine confidence in the operation of planning policies.

3.4 The NPPF is clearly a material consideration to which considerable weight should be given. Paragraph 14 states that a presumption in favour of sustainable development is at the heart of the Framework and that the assessment of

sustainability has regard to three dimensions: economic, environmental and social, which should be sought jointly and simultaneously through the planning system. These are considered in more detail within a 'sustainability overview' of the proposal at the conclusion of this report.

3.5 NPPF paragraph 55 affirms the need to locate housing in rural areas where it will enhance or maintain the vitality of rural communities. This approach doesn't conflict with Policy CP1 of the Core strategy (settlement hierarchy). Likewise, the NPPF takes a strict approach to new housing within the open countryside. It states, "local 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."

It is not considered that any of these 'exceptions' materially apply to the matters under review through the current application.

3.6 Paragraph 28 of the NPPF outlines the importance of policies to support economic growth in rural areas, including the encouragement of sustainable rural tourism facilities. This also aligns with the application of Policy DM4 of the Core Strategy to the assessment of applications for holiday let uses in the rural areas, as explained further below.

3.7 The current application is supported by evidence and information, as detailed at 1.6 to 1.11 above, which aims to demonstrate why permission should be granted for the change of use. Evidence from appeal decisions elsewhere suggest, in line with paragraph 1.7 of the Core Strategy, that special circumstances need to be identified to justify the loss, as such of a holiday let in a location where housing would otherwise be considered unsuitable. This would reasonably include the consideration and submission of evidence relating to the following:

- (i) Understanding the lack of demand e.g. historic occupancy rates.
- (ii) Whether any claims relating to the use not being viable are linked to management and/or pricing issues i.e. was the holiday let use managed effectively - were there personal circumstances that prevented it from being so? Was it advertised appropriately/widely and priced in line with market expectations in order to maximise interest?
- (iii) Marketing evidence to demonstrate that there is no market interest in purchasing the property with the holiday let condition attached. Such evidence would need to show that the property had been marketed at a fair market value, reflecting the existence of the condition. It would also need to be marketed for a reasonable period of time and by appropriate means.
- (iv) As (iii) but testing whether a relaxation of the current condition to enable occupancy for more than 6 consecutive weeks would prove more attractive to the market (this is a route highlighted by one Inspector on appeal).

Information relating to the above would need to be fully presented with an application, or following its submission, to enable objective analysis.

- 3.8 In this instance the applicant has provided some supporting evidence in the form of the letters from Ward and Partners, Miles and Barr and Winkworth. These agents state they have marketed the property for 3 months on the open market, however consumer interest in the property has been limited by fact that the properties use is restricted to a holiday let, which has in turn had an impact on its value. The last marketing exercise appears too be in 2013 some four years ago, with no evidence being forthcoming the applicant has actively marketed the property as a holiday let, within the last four years.
- 3.9 Having researched the property there is evidence that the property is still being marketed for sale with Ward and Partners as a holiday home with a price of £280,000. Evidence from applications elsewhere suggest that a sales price, with the holiday let restriction, would attract in the region of a 30% reduction in value over normal market housing. The applicant has not provided any information in respect of the above and whether the price is considered to be reasonable. Additionally there is no evidence that the holiday let business is still being marketed or in fact is unviable in terms of a business.
- 3.10 Some receipt books have been received which only shows two entries of holiday occupation from 2013 – 2017 with no entries other than between 25th July – 8th August 2014 and 23rd December – 31st January 2015 which shows no charge to the occupant. However, due to the lack of the marketing exercise as set out above, it is not clear where the business would be generated from and therefore it is not considered the receipt books are considered to be sufficient evidence to support the change of use.
- 3.11 Reference has been made by the applicant that the council is unable to demonstrate a 5 year housing supply. The Council does of course now have a 5 year housing land supply and as mentioned, full weight can be given to development plan policies. As stated, these policies preclude residential conversions in locations beyond village confines as here. The applicant has referred to an application DOV/16/00041 which allowed the conversion of a holiday let into 4 residential dwellings. This scheme was granted for specific reasons relevant to that application and adequate marketing was independently assessed and considered adequate. This was at the time a five year housing supply could not be demonstrated, in addition four dwellings were considered to make a contribute to the housing land supply.
- 3.12 With regard to the supporting information provided with the application and the assessment criteria outlined at 3.8, it is considered that the application falls some way short of clearly and adequately demonstrating that a holiday let use at the property would be unviable.
- 3.13 As explained above, the Core Strategy states that a grant of permission in such circumstances would require “unusual and compelling justification”. Accordingly the principle of development which would effectively allow a dwellinghouse, beyond confines, some considerable distance from services and facilities remains unjustified and in this case unacceptable. It falls therefore to determine whether there are any other material planning considerations sufficient to set aside Development Plan policy
- 3.14 The Loss of a Holiday Let as a Tourist Facility

Supporting a prosperous rural economy is a key consideration of the National Planning Policy Framework set out in paragraph 28 which states ‘planning permission should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside’. The loss of the holiday would be contrary to the objectives of the National Planning Policy Framework in respect of paragraph 28.

- 3.15 The Core Strategy does not have a specific policy in respect of rural tourism. However, policy DM4 sets out permission will be given for the re-use or conversion of structurally sound, permanent buildings outside the confines of rural service centres, local centres and villages for

For commercial uses;

- For commercial uses in buildings that are closely related or adjacent to the confines;
- For private residential use in buildings that are adjacent to the confines”.

When planning permission was granted for a holiday let it would have benefited the rural economy and would have been classed as a commercial building in respect of policy DM4 of the Core Strategy. The holiday let was permitted in a rural location outside of the confines for these reasons and would not have been granted permission for permanent residential use on the basis that it is not adjacent to settlement confines, which is required by policy DM4 when considering the conversion of a rural building into a private residential dwelling. It is also worth noting that condition 3 of the planning decision stipulated that “the unit of accommodation hereby permitted shall not be used or occupied for any DOV/12/00084 purposes other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere.” The reason for this is to safeguard against the permanent use of the residential use of the building, which would be contrary to the planning policies for the area and to ensure the continued use of the holiday accommodation.” The loss of the holiday in this location would be contrary to policy DM4 and the aims and objectives of the National Planning Policy Framework.

Impact on Residential Amenity

- 3.16 Paragraph 17 of the NPPF outlined that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants. Given that this application does not seek to extend or in any way alter the existing holiday let, its use as an unrestricted dwelling would not impact upon the residential amenity of neighbouring properties and would be acceptable in this regard. I am also satisfied that the level of internal space afforded by the dwelling is acceptable for occupants.

The impact on the character and appearance of the street scene and rural area;

- 3.17 The site is located within the countryside and the Kent area of outstanding natural beauty. Paragraph 115 of the National Planning Policy Framework attaches significant importance to conserving landscape and scenic beauty in National Parks, the Broad and areas of outstanding Natural Beauty. Paragraph 1.57 of Dover District Councils Core Strategy ‘states the parts of the district that are designated as Kent Area of Outstanding Natural Beauty enjoy special protection. In addition to this the Kent AONB Management Plan promotes appropriate management to help meet the national policy objectives. Section 4 of the Kent Downs AONB Management Plan contains landform and landscape character policies, including policy LLC1: “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.” Policy LLC6: “The improved awareness and appreciation of all the special qualities of the AONB landscape and its conservation to people who influence the future of, live, work in or visit the AONB will be pursued.” The AONB Management Plan is adopted guidance and carries weight in respect of how development proposal should be considered.

- 3.18 The proposed change of use does not seek to alter the external appearance of the building, beyond those changes permitted under DOV/12/84 for the holiday use. However, the use as a new dwelling would be likely to result in additional and permanent domestic paraphernalia such as outbuildings, domestic planting, hardsurfacing, means of enclosure etc. within its curtilage which could result in some visual interruption within an otherwise largely unspoilt and rural landscape setting. In respect of development within a domestic curtilage, consideration has to be given over whether it would be reasonable to remove permitted development rights. On balance, in this instance probably not. Due to the topography of the landscape, in this case, the additional domestic paraphernalia associated with a dwellinghouse including extensions, outbuildings, hard surfaces would increase the evident presence of a new dwelling here in this undeveloped rural location.
- 3.19 It is inevitable that additional domestication of the building would add to the domestic characteristics of the building in an otherwise rural setting. Therefore the proposed change of use in this regard would be likely to have an adverse impact on the AONB and therefore would be contrary to the aims and objectives of the National Planning Policy Framework and the Kent Downs AONB Management Plan.
- 3.20 The applicant has submitted a landscape and visual impact assessment dated November 2011 and the application site has changed in this time. There are no proposed alterations to the existing building; however the characteristics of the site could also change with the intensity of use, associated with the permanent occupation of the building as a dwellinghouse as such. Intensity of use of the site, where permanent occupation is concerned would be likely to include additional private or related use i.e school runs and shopping trips, visitors to the site, deliveries etc. There are also concerns over potential lighting that could affect the night sky.
- 3.21 In this case the change of use would begin to adversely affect the character and in particular the quietude of this particular location. Harmful effects from intensification of activities associated with a dwelling here cannot be controlled by condition. Accordingly the proposed development does not comply with countryside protection policy and is therefore contrary to policies DM15 and DM16 of the Core Strategy and AONB protection policies set out in the AONB Management Plan and the National Planning Policy Framework.

Highway Issues

- 3.22 Policy DM11 of the Core Strategy sets out development which would generate travel outside the rural settlement confines would not be acceptable unless justified by development plan policies. The Dover District Settlement Review and Hierarchy describes Wootton as a hamlet. The nearest bus stop is in Denton, with the nearest railway station being in Temple Ewell 6 miles away. Due to the limited level of facilities it is expected the occupants of the proposed dwelling would have to primarily rely on car journeys for basic day to day needs, such as shopping, school

journeys etc.. This would significantly increase the vehicular travel demand contrary to the aims and objectives of policy DM11 of the Core Strategy.

- 3.23 Policy DM13 of the Core Strategy states that provision for parking 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. The dwelling would be defined as a 1-bedroom house in a rural location, and therefore a minimum of 1.5 parking spaces would need to be provided. The site currently accommodates 4 car parking spaces due to the layout of the site and all would be retained following the proposed change of use. The proposed development would be in full accordance with policy DM13.

Sustainability Overview

- 3.24 Achieving sustainable development lies at the heart of the planning system. The NPPF (Paragraph 8) states that to deliver this, economic, social and environmental gains should be sought jointly and simultaneously.
- 3.25 The provision of tourist accommodation brings an economic benefit to the district. Paragraph 28 of the NPPF identifies tourist and visitor facilities as being a valuable arm of rural economic sustainability, with potential to input into the rural economy and provide wider benefits of tourism within the district. Whilst it is noted that the holiday let property subject of this application, may not have been viable, there is insufficient current evidence (submitted with the application) to suggest that the property is unsuitable for the use, or that it would be unviable in the long term with successful marketing at an appropriate rental value and undertaken. There is no reason to believe that the nature of the location, between Canterbury and Dover would not be attractive to tourists. In the circumstances it has not been demonstrated that the loss of the holiday let would constitute anything less than an economic disbenefit.
- 3.26 The NPPF recognises the social benefit of providing a supply of housing. In this case, the provision of one new open market dwelling would only contribute in a very minor way and against a backdrop of the Council being able to demonstrate an adequate (5 year) supply of housing.
- 3.27 It's also important to point out that with no footway or lighting for most of its length into Denton along Denton Lane and this would not lend itself to ready use by pedestrians. Even compared to a more regularly used holiday let, the use of the property without an occupancy/holiday let restriction would be likely to increase the use of the car in a location where access to alternative means of travel is marginal at best as discussed in paragraph 3.22. In this respect, the proposal would be likely to encourage higher trip rates by car and other related traffic activities and work against environmental objectives relating to reducing pollution and moving towards a low carbon economy.
- 3.28 From the above analysis, it must be concluded that the proposal would materially conflict with the objectives of sustainable development.

Environmental Impact Regulations

- 3.29 The land to which the application relates falls within a 'sensitive area' as defined within the Environmental Impact Assessment Regulations 2011. This definition of a

sensitive area includes land which is designated as a SSSI or an AONB. Whilst the proposed development does not fall within the list of Schedule 2 development it is within a sensitive area and the regulations therefore require that the LPA screens the application. This process has been undertaken and it has been concluded that due to the relatively minor impacts and effects of the development and its siting that mitigation as such in EIA terms is not needed. The proposal does not require an Environmental Statement.

Conclusion

- 3.30 The proposal would result in a dwelling house in a location that would be clearly contrary to Development Plan policy and would constitute an unsustainable form of development, contrary also to the aims and objectives of the NPPF.
- 3.31 Insufficient evidence has been submitted with the application to suggest that the harm arising from the conflict with the Development Plan and NPPF should be set aside. In particular it has not been demonstrated, in a manner commensurate with the assessments of other applications of this type, that the use of the property as a holiday let is no longer viable.

g) Recommendation

I PERMISSION BE refused on the grounds:-

- 1) The proposed development would result in the loss of a rural tourist facility and would create a new dwelling within an unsuitable location. The proposal would generate additional traffic movements to and from the site to key services and would also likely to result in further domestic paraphernalia within its curtilage to the detriment of the visual amenity of the locality adversely affecting the rural character and unspoilt quality of the location. The proposal would therefore be contrary to Dover District Council core strategy policies in particular CP1, DM1, DM4 DM11, DM15 and DM16, policies LLC1, LLC6 of the Kent Downs AONB Management Plan and the aims and objectives of the NPPF, in particular paragraphs 7, 14 and chapter 3.

Case Officer

Karen Evans