

# Public Document Pack



Democratic Services  
White Cliffs Business Park  
Dover  
Kent CT16 3PJ

Telephone: (01304) 821199  
Fax: (01304) 872452  
DX: 6312  
Minicom: (01304) 820115  
Website: [www.dover.gov.uk](http://www.dover.gov.uk)  
e-mail: [democraticservices@dover.gov.uk](mailto:democraticservices@dover.gov.uk)

7 November 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 16 November 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)  
B W Butcher (Vice-Chairman)  
P M Beresford  
T A Bond  
D G Cronk  
B Gardner  
D P Murphy  
M J Ovenden  
G Rapley  
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 26 October 2017 (to follow).

5 **ITEMS DEFERRED** (Page 5)

To consider the attached report of the Head of Regeneration and Development.

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 6 - 9)

6 **APPLICATION NO DOV/17/00906 - LAND AT LITTLE STOUR ORCHARD, CHURCH LANE, WEST STOURMOUTH** (Pages 10 - 27)

**Erection of a detached agricultural worker's dwelling with integral annexe, formation of new vehicular access and erection of decking**

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/17/00913 - 2A YORK ROAD, WALMER** (Pages 28 - 34)

**Erection of a single storey detached dwelling (existing garage to be demolished)**

To consider the attached report of the Head of Regeneration and Development.

**ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

8 **FEES AND CHARGES 2018/19** (Pages 35 - 52)

To consider the attached report of the Chief Executive.

9 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

10 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

### **Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website [www.dover.gov.uk](http://www.dover.gov.uk). Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk) for details.

**Large print copies of this agenda can be supplied on request.**

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 16 NOVEMBER 2017

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS**

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/14/00240**      **Redevelopment of site to provide a total of 100 residential units comprising: two-storey terrace, semi-detached and detached new-build dwellings; Change of Use and conversion of Tewkesbury House and the Chapel to provide 568 square metres of community space (Use Class D1), employment space (Use Class B1) and two residential units; minor demolition, alteration and conversion of the 'Old Workhouse' to provide ten residential units; retention and reinstatement of the fire-damaged Range building and erection of a two-storey terrace of ten residential units; car parking, landscaping, public open space and alteration to existing access (Amended plans and documents) – Eastry Hospital, Mill Lane, Eastry (Agenda Item 10 of 31 August 2017)**
  
2. **DOV/16/01476**      **Erection of 70 dwellings, with access roads, footpaths, drainage, associated parking provision, groundworks, landscaping, open space and associated infrastructure (existing buildings to be demolished) – Land to the rear of Hyton Drive and Roman Close, Church Lane, Sholden (Agenda Item 8 of 2 November 2017)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

**MIKE EBBS**

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

**Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.**

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

### Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

### Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

## **IMPORTANT**

### **The Committee should have regard to the following preamble during its consideration of all applications on this agenda**

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
  - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
  - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
  - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
  - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

### **The Development Plan**

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010  
Dover District Land Allocations Local Plan 2015  
Dover District Local Plan 2002 (saved policies)  
Worth Neighbourhood Development Plan (2015)  
Kent Minerals and Waste Local Plan 2016

## Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

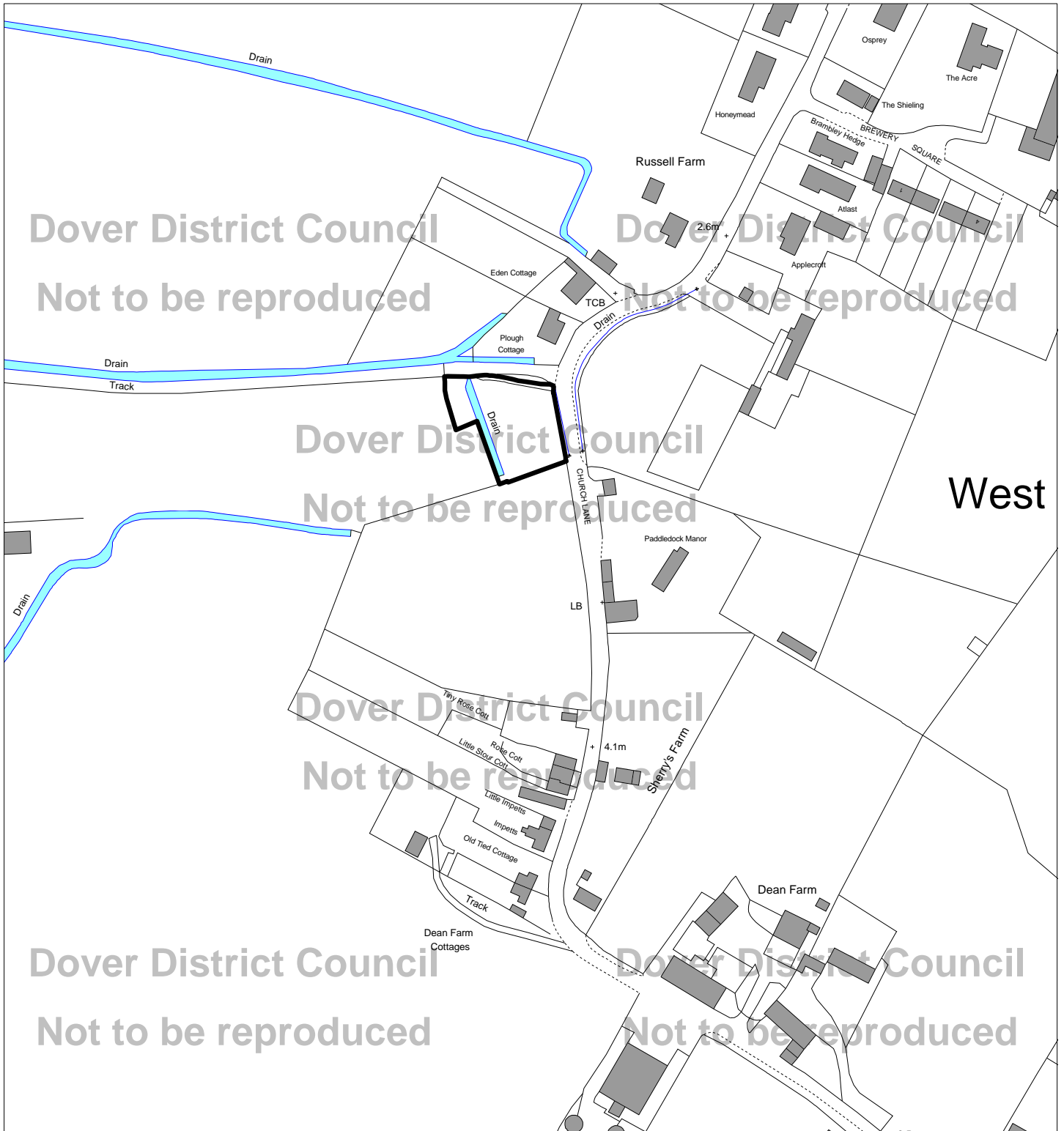


## PUBLIC SPEAKING AT PLANNING COMMITTEE

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1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
  - (a) Chairman introduces item.
  - (b) Planning Officer updates as appropriate.
  - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
  - (d) Planning Officer clarifies as appropriate.
  - (e) Committee debates the application.
  - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.

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**Not to scale**

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**Note:** This plan is provided for purposes of site identification only.

**Application: DOV/17/00906**

**Land at Little Stour Orchard**

**Church Lane**

**West Stourmouth**

**CT3 1HT**

**TR 5391 2604**



- a) **DOV/17/00906 Erection of a detached agricultural workers dwelling with integral annexe, formation of new vehicular access and erection of decking – Land at Little Stour Orchard, Church Lane, West Stourmouth, CT3 1HT**

Reason for report: No. of contrary views (12)

- b) **Summary of Recommendation**

Refuse planning permission.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. West Stourmouth is a Hamlet; identified as not suitable for further development unless it functionally requires a rural location.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM9 – Accommodation for Dependent Relatives. A criteria based policy which controls the size and location of annexe accommodation and requires the proposal to be acceptable in terms of flood risk.
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking standards
- DM15 - seeks to protect the countryside by restricting development that would adversely affect its character or appearance.
- DM16 - seeks to protect the landscape character of the area.

### Dover District Council Local Plan 'saved' policies (DDLDP)

There are no saved local plan policies that are relevant to this application.

### Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

### **National Planning Policy Framework (NPPF)**

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states there is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and 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 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Paragraph 55 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Chapter three of the NPPF seeks to support a prosperous rural economy.
- Chapter four of the NPPF seeks to promote sustainable transport.

- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. 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.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires the that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

### **Other Documents**

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### d) **Relevant Planning History**

Land at rear within applicants' agricultural holding:  
DOV/12/00477. Erection of a detached agricultural building APPROVED 22.8.12

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

Stourmouth Parish Council: 'Stourmouth PC have received no comments from the public and having visited the site have a positive view of the proposed plans.'

Principal Ecologist: No comments other than ensuring the recommendations in the ecological appraisal are followed through.

Environment Agency: Raise no objection to the application subject to the imposition of conditions requiring 1) the finished floor levels to be a minimum of 300m above existing ground level, and 2) details of the toilet and greywater systems to be submitted for approval.

Further comments: 'The site is situated within an area which is considered to be at risk from flooding and is classified as lying within Flood Zone 2 by our flood risk maps. The area is very close to Flood Zone 3 but as confirmed in the submitted Flood Risk Assessment the site itself is on higher ground and lies within Flood Zone 2. We therefore have no objection to the principle of residential development at this location.'

Rural Advisor: (comments reported in full)

'The proposal relates to a fairly small parcel of land which the applicants acquired in 2011. Whilst the submitted statement refers to 14 acres (5.7 ha) of apple orchard, the submitted plan only shows the orchard extending to about 7.5 acres (3.0 ha). The applicants have been using the fruit for their own apple juice, cider and cider vinegar production. This is sold wholesale to various local business outlets, and also direct to the public via farmers' markets and other events.

A steel-clad agricultural building (18m x 8m, 4m to eaves) was permitted under DOV/12/00477.

The applicants, who currently live about 9 miles away, wish to be able to reside on site in particular to provide better security for the stored produce kept there, as well as various equipment. The latter includes two potential units designed for holiday accommodation (a shepherd's hut, and a horse box); the applicants also consider living on site would enable proper management of this accommodation.

Para 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. 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 such as: (inter alia) the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Although this national policy is less specific than the advice previously set out in the former Annex A of PPS7, in practice decision makers (including Inspectors at appeal) have continued to apply both functional and financial tests in judging "the essential need for a rural worker to live permanently at or near their place of work in the countryside".

The Annex A functional test states:

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night: (i) in case animals or agricultural processes require essential care at short notice; (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

In this case, no case has been advanced as to animals or agricultural processes requiring essential care at short notice, nor has any case been advanced regarding emergencies caused by the sort of examples cited above. Indeed, it would not be expected that the day to day husbandry requirements of some 3.0 ha of orchards would give rise to an essential requirement for anyone to be on hand at most times, day and night.

Whilst any rural property is potentially at risk from theft or vandalism, many farm buildings and associated land have no owner's residence nearby. The provision of security for stored manufactured produce (in this case apple juice, cider and cider vinegar), is not generally considered sufficient, in itself, to amount to an essential functional need for a permanent on-site residence in the countryside; nor is security for farm machinery. Other technical security measures can be put in place.

I do not consider any exceptionally problematic factors have been made out, in this case, to demonstrate that (contrary to the norm) it is essential to have the proposed dwelling here to enhance site security.

Nor do I consider the management of two prospective holiday lets (which I believe do not yet have planning consent) would require the owners' residence on site. In any event, managing holiday lets would not be an agricultural activity.

In summary, whilst it would no doubt be more convenient for the applicants to live on site (or at least rather closer to it than 9 miles away) in my view no essential functional need has been established for their residence in the proposed dwelling.

Turning to the financial test, Annex A states (in para 3 (iii)) that the unit and the agricultural activity concerned should have been established for at least three years, have been profitable for at least one of them, be currently financially sound, and have a clear prospect of remaining so.

Annex A also states:

New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns.

It is normally considered that to be financially sound the agricultural business should be providing at least one person's full-time livelihood, equated to what a corresponding wage would be for a suitably responsible farm worker, after the investment requirements of the business have been allowed for.

In this case, the submitted financial data indicates that the business made substantial (albeit lessening) net losses from 2011/12 to 2015/16, and only a small net profit of £££££ in 2016/17 (with a gross profit of ££££££). The additional costs as between gross and net profits have not been itemised, but in any event the business has not, to date, demonstrated sufficient profits to be financially sound, in terms of a minimum full-time livelihood as referred to above.

Whilst there are predictions of higher sales and profits in years to come, the case for a permanent new dwelling depends on being able to demonstrate current financial soundness. In any event the submitted budgets rely heavily on projected income from the putative non-agricultural holiday let income, and it has not been clearly demonstrated that the orchard product venture, alone, would be sufficiently viable to meet the test.

Annex A also states:

Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding.

The proposed dwelling would be of a very substantial size, certainly in relation to what might normally be considered appropriate for an agricultural dwelling (i.e. one permitted as an exception to normal rural Planning policy and made subject to the standard agricultural occupancy condition).

The enclosed ground floor accommodation area would be about 210m<sup>2</sup> but the overall covered area, extended by the use of flat, "green" roofs providing balconies at first floor level, and verandas and a car port on the ground floor, is estimated to be some 380m<sup>2</sup>.

There would be a further 150m<sup>2</sup> or so of accommodation on the first floor.

The applicants have indicated that the dwelling would be financed from sources other than the farm business, but as indicated above, the relevant consideration is whether (irrespective of the applicants' personal circumstances and arrangements) the dwelling would be unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long-term.

I would advise that, in this regard, the proposed dwelling would be both unusually expensive to construct and unusually large in relation to any perceived agricultural needs of the unit, even if it were considered that those needs amounted, in principle, to an essential functional requirement for a permanent dwelling on site.'

Southern Water: No objections raised. Recommend a condition in relation to suds to ensure arrangements are in place for long term maintenance and effectiveness. Recommend the EA are consulted with regard to private foul sewage disposal.

KCC PRoW: 'Public Right of Way EE131 passes adjacent to the north boundary of the proposed site. As the proposals are for a dwelling with integrated annexe on the plot as outlined with a new separate access point, there is unlikely to be a significant impact to the footpath EE131 and therefore I raise no objections to the application.'

Informatives are proposed in relation to not obstructing the PRoW or disturbing its surface.

KCC Archaeology: comments awaited

Public Representations: Twelve letters of support (7 from residents outside the District) have been received making the following points:

- Thoughtful sustainable design, aesthetically pleasing, good for the village
- An improvement to the area which has been overgrown and unkempt for some 40 years



- The dwelling is necessary and important to the sustainability of the business
- The proposed dwellings has positive environmental assets
- The proposal will enhance the community
- The proposal will increase security of the site
- The design will complement the range of house styles in the hamlet

One letter of objection has been received raising the following concerns:

- The site lies in flood zone 2. The adjacent food zone 3 land utilises the site to drain excess water.
- There is no surface water drainage in Church Lane. Water from the road does not flow towards the river to the west but in an easterly direction thereby flooding the driveway, parking and garden area of Plough Cottage.(Photograph's included)
- During prolonged periods of flooding both surface water and raw sewage terminates within the curtilage of Plough Cottage.
- If the site is built on, it will take out an important surface area which helps to keep the water levels down.
- The proposal will dramatically increase the potential for flooding in the area
- New build is out of keeping aesthetically with Church Lane and will not complement existing development

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

The Site

- 1.1 The application site is located within the open countryside, within the hamlet of West Stourmouth. The site is on the western side of Church Lane – the primary road which runs through the hamlet. Adjacent to the northern boundary of the site is PRoW EE131 and the property Plough Cottage. Travelling further north along Church Lane is sporadic development. To the west are Orchards to which this application is linked and beyond these open fields and the River Stour. To the east the land is open in character with horses kept on the land.
- 1.2 Little Stour Orchard is a holding of some 11.6 acres, 11.2 acres of primarily orchard land with access strips and a storage/implement building located centrally within the site. Currently the vehicular access to the site is via an unmade track, a PRoW, which is between Plough Cottage and the site – the track is outside the applicant's ownership and the applicant utilises approximately 35m of the track before turning sharply in a southerly direction to access the orchards; the PRoW continues along the track. The current access is across the northern drain over a culvert.
- 1.3 The site for the proposed dwelling is approximately 30m x 25m and is different in character to the remainder of the holding. This area is unkempt in appearance and is bordered on three sides by wet drains and broached by a culvert. The vehicular access to the orchards runs behind this rectangular parcel of land; the access together with the drainage ditch and uncultivated appearance of this parcel of land separates it visually from the orchards.
- 1.4 The topography of the area is generally flat, with winding roads, often hedge lined and agricultural landscapes feature. Linear development is also a

typical feature in this part of the District. From Preston to West Stourmouth, frontages are typically broken up between dwellings and farm land.

- 1.5 The holding falls within flood zones 2 & 3 and is designated grade 1 Best and Most Versatile Agricultural Land.
- 1.6 In terms of amenities, aside from the Church which is further north of the site, these are found in the nearby village of Preston just under 1.5 miles to the south. Preston has a number of services and facilities including a village hall, primary school, a church, playing field, public house, village shop, butchers and a farm shop.

### The Proposal

- 1.7 Planning permission is sought for the erection of a 3 bedroom dwelling with an integral 1 bed annexe. The proposal has been submitted as an agricultural workers dwelling to provide on-site accommodation at an apple orchard. The scheme also includes a new vehicular access to serve both the new dwelling and the existing orchards at the rear of the site (west). Accompanying the application were the following documents: Flood Risk Assessment; Design & Access Statement; Ecological Appraisal; Business Plan and confidential documents in respect of business accounts and the health of the elderly relative.
- 1.8 Detailed pre-application advice was provided by the Council in respect of this proposal. The Planning Statement seeks to address the concerns raised and overcome the advice given that the proposal would be unacceptable in principle.
- 1.9 The dwelling would front Church Lane, keeping the rear aspect looking out towards the orchards. The proposed dwelling is described in the application as being 'to the highest sustainable standards'. This is due to the alternative construction methods which include the use of green technology, greywater recycling and compostable toilets.
- 1.10 The dwelling comprises a contained ground floor of approximately 210sqm, however the overall footprint is substantially larger (380sqm) as this includes overhangs to provide sheltered car parking, balconies, decking and accessible green roofs. The annexe accommodation consists of a bedroom, wc and living area which can be accessed both externally and internally to the dwelling. The remainder of the ground floor provides an office, kitchen/living/dining room, a larder, cloakroom, utility, wc/shower, a plant room and an atrium which stretches across the rear width of the dwelling. There is a decking of 46.75sqm, off the back of the atrium, which traverses the drainage ditch.
- 1.11 The first floor contains two bedrooms with en-suite and dressing room facilities, a further bedroom and a separate bathroom are also provided. This first floor is served by two staircases; one which opens onto a large central

landing with light well feature, the other is at the rear of the dwelling which provides an elongated landing on-looking the orchards at the rear of the property through the extensive glazing.

- 1.12 The key aspects of the external design include: green roof elements, cedar cladding, self-coloured render, an oak frame, aluminium thermal break composite windows and elements of living wall. Gutters and downpipes have been concealed within the design. A balcony system has been designed which wraps around the perimeter of the house. The balcony provides a car port on the northern elevation and provides areas of shade around the house. The balcony system is also described as being important to provide a water run-off system; a means of access to the majority of the green walls and lastly, as a means of escape access from the property.
- 1.13 From Church Lane the prominent elevation consists of the Marley Eternit Cedar Cladding in the central section over both floors and the self-coloured waterproof cladding either side of this.
- 1.14 The rear elevation is made up of large scale picture windows which have a return of 4m on the north-west elevation and 3m on the south-east elevation. Living walls are shown on the two side elevations and the front.
- 1.15 The proposal also includes a new access into the property. The existing two accesses off the track will be closed; gates will be removed and the gaps will be planted with hedgerow to adjoin the existing hedgerow boundary. Access will be taken directly off Church Lane with a section of hedgerow approximately 3.5m wide removed to facilitate this. The bell mouth will be 5m wide. The first 3m back from Church Lane will be a bound surface then granite setts and a gated entrance. The driveway will then split to provide access to the residential parking and covered car port, the access track will continue past the dwelling over the existing drain at the rear and then loop round onto the existing access that serves the orchards. The re-routed access will be surfaced in loose gravel and include two parallel parking spaces for customers.
- 1.16 A swept path analysis drawing has been submitted to demonstrate that a 16-18 tonne rigid truck can manoeuvre into and exit the site in a forward direction.

## **2. Main Issues**

- 2.1 The main issues for consideration of this application are as follows:
  - The principle and need for the development
  - Impact on the character and appearance of the countryside
  - Residential amenity
  - Ecology
  - Highways
  - Flooding

- Other matters

### 3. **Assessment**

#### Principle and Need for the Development

- 3.1 The site is located outside any settlement boundaries and therefore in open countryside in policy terms. Accordingly the proposed development would normally be considered unacceptable in principle, subject to the details of policy DM1 or any material considerations.
- 3.2 Policy DM1 can permit development outside of settlement boundaries where it functionally requires such a location. Paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances. Two of the exceptions that would allow a grant of planning permission are:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
  - The exceptional quality or innovative nature of the design of the dwelling.
- 3.3 The application therefore includes supporting information and seeks to justify the proposed dwelling for the following reasons:
- The proposal would provide on-site security for the applicants apple orchards
  - The proposal would be sustainable as it would cut down on travel between home and work (18mile round trip)
  - The proposal would provide security for a future use on the site for holiday lets

In response to the comments from the rural adviser further information was received from the applicants' agent requesting the following to be taken into consideration:

- The site was burgled over the Christmas/New Year period
- Two of the sheep which graze the orchard were killed by dogs
- A sheep was stolen overnight
- In the last week a full row of apples were picked and stolen, about 150 kilos
- When the pressing, bottling, capping and labelling processes are under way work must continue until the job is complete, sometimes this is an 18hr day
- If 'glamping' is to be developed there will need to be a regular residential presence to ensure visitor services are maintained and to ensure site security as it will not be possible to secure the site access
- Residence at the site will obviate the need for daily commuting, saving the enterprise money and reducing car pollution

It is stated that whilst each individual issue might not justify the dwelling, when considered collectively they constitute a strong case in respect of functional need.

### The Business

- 3.4 Little Stour Orchard was established in 2011. The orchard produces Discovery, Bramley and Cox apples. The business does not employ any permanent staff and is run entirely by the applicant and his wife. Casual/contract labour is used as required for tasks such as apple pressing or pruning. It is also stated that family and friends assist with the apple picking and volunteer their time in exchange for a day out and a picnic. The business produces apple juice, cider and cider vinegar and sells the products locally via small independent retailers, farm shops, restaurants and markets.
- 3.5 Key features of the business are as follows:
- No pesticides or herbicides are used on the crops (grazing sheep control the weeds)
  - Power source is off grid from solar panels and salt water batteries
  - Rainwater is collected and used for cleaning
  - A composting toilet is used
  - Winner of several local awards and a national award (letter of support submitted with application from 'Produced in Kent')
  - Products are bottled, capped, labelled, stored packaged and delivered by the applicants
- 3.6 The future plans for the business are set out as follows:
- Complete work to open holiday lets in 2018/19
  - Increase cider and cider vinegar sales (2017-2020)
  - Feasibility assessment for recruitment of employees (2018-20)
  - Submit planning application for dwelling (2017)
- 3.7 The question is whether the factors set out in para 3.3 of this report and within the application as a whole, amount to a functional need as required by policy DM1 or paragraph 55 in the NPPF. Moreover, the assertion that the proposal would provide security for a future use, which does not have the benefit of planning permission, cannot be taken into consideration. It should also be noted that the future use that is proposed is for tourism and would not justify an agricultural dwelling. Furthermore, the proposed tourism use is subject to a different planning application only recently received and yet to be considered.
- 3.8 The rural adviser has provided detailed comments on the planning application and it is clear from both his views and an officer assessment of the application, that whilst it would be both desirable and convenient for the applicant to live on site, it is not essential. The applicant has identified a number of issues where there have been breaches of security at the site, all of which are regrettable, however there are other means of security that could be introduced to safeguard against this. With regard to the period of intensity when production is underway, other options could be considered such as temporary mobile accommodation/caravans.

- 3.9 No assessment has been undertaken of available properties on the market within close proximity to the site which would cut down on the need to travel. A crude search on websites shows that there are a number of 4 bedroom properties available within 3 miles of the site that could be considered. It is not therefore considered that there is an essential need for the rural worker to live on the site, and in any event, were it deemed that the proposal met the functional test the proposed dwelling would be oversized for what would be required.
- 3.10 The other key test which is still used as a means to assess an agricultural workers dwelling, is the financial test. This test, whilst from the former PPS7, is still used, by the Planning Inspectorate in particular, as a means to assess a proposal against paragraph 55 of the NPPF and, in turn, policy DM1.
- 3.11 The basis of the financial test is that an agricultural workers dwelling is justifiable only after the business has been making a meaningful profit for a period of 3 years. The accounts submitted with the application show that the first year of profit was not until 2016/17 and even then, it was not considered sufficient to equate to one full time permanent worker. Accordingly, it would be premature to grant planning permission for a new dwelling on the basis of the agricultural business of Little Stour Orchard. In situations such as this, the applicant would be expected to seek a three year permission for a temporary structure such as a mobile home, whilst the business established itself.
- 3.12 Accordingly, it is considered that the proposed development has not demonstrated a functional requirement as specified by Policy DM1, similarly it has not been shown an essential need for a rural worker to live permanently at or near their place of work in the countryside, as specified by paragraph 55 of the NPPF.
- 3.13 Paragraph 55 of the NPPF also allows for development in the countryside that is of an exceptional quality or innovative design. *'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.'*
- 3.14 It is acknowledged that the proposed dwelling is to be built using elements of sustainable technology and proposed to incorporate environmentally friendly systems. However, it is not considered that the elements incorporated in the design are *'truly outstanding or innovative'*. Whilst the use of grey water recycling and green roofs are commendable, they are features which can be seen in other developments where an alternative approach has been taken to a new build.
- 3.15 The proposal is therefore considered unacceptable in principle.

Impact on the character and appearance of the countryside

- 3.16 Policy DM15 seeks to protect the countryside. Development will only be permitted if it is in accordance with allocations made in the development plan, is justified by the needs of agriculture, or justified by a need to sustain the rural economy or a rural community. In addition it must be shown that development cannot be accommodated elsewhere and does not result in the loss of ecological habitats. As addressed above, it is not considered that the proposed development is justified by the needs of agriculture. It is neither in accordance with any allocations or needed to sustain a rural economy or rural community. Therefore the proposal is considered not to be in accordance with policy DM15.
- 3.17 Policy DM16 states that development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in the development plan, incorporating any necessary mitigation; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate impacts to an acceptable level.
- 3.18 The landscape character assessment for this area recognises the loose knit character of the dwellings and the spaces between them. Whilst the existing buildings in this area follow a linear pattern, it is their sporadic spacing which defines the character. One of the core planning principles contained within the NPPF is that planning should 'take account of the different roles and character of different areas' and recognise 'the intrinsic character and beauty of the countryside' (para 17). This proposal does not accord with this core planning principle, it will fail to respect the character of this hamlet cause harm to the intrinsic character and beauty of the countryside.
- 3.19 In design terms, this is very much a standalone form of development in the locality. The palette of materials, when considered as a whole, do not draw on local features – nor is it the intention to do so. Whilst there is a mix of materials and development styles, this contemporary style development would result in an alien form of development in the locality.
- 3.20 Accordingly, the development is considered to be unacceptable in terms of its appearance and its effect on the countryside. It is contrary to Core Strategy policies and the guidance contained in the NPPF.

#### Residential Amenity

- 3.21 The closest dwelling to the application site is Plough Cottage. The proposed dwelling is located to the southern side of the plot such that there is a substantial distance from the side of the car port to the site boundary. The neighbour has the access track as a further buffer from the development. It is not considered that any undue harm to residential amenity would arise from the proposal with regard to overlooking/loss of privacy.
- 3.22 Representation has been made from the owners of Plough Cottage, raising particular concerns over flooding. It would appear that this property already suffers from having its curtilage flooded due to the lack of street drainage in the locality. New development should not be looked upon to solve existing problems, however, nor should it increase the likelihood of flooding in the

vicinity. The neighbours concern is that the development will reduce the size of an area of land that currently helps displace the surface water from flood zone 3 in times of heavy rainfall. Photographs have been submitted accompanying the objection that clearly show there is a problem with surface flooding that culminates at Plough Cottage.

3.23 The issue of flood risk is considered in full later on in this report.

#### Ecology

3.24 Under the Natural Environment and Rural Communities Act (2006), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

3.25 The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.” Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision.”

3.26 The application was accompanied by a Preliminary Ecological Appraisal. The appraisal reported as follows:

- No ponds within 500m, only two within 1km – unlikely presence of Great Crested Newts
- Closest recorded reptile (Viviparous Lizard) approximately 1.62km NE of the site. No reptiles found on site, but it is possible within a 2km radius that some species are present
- The site has high potential to support breeding birds within trees and hedgerows
- Bats – surrounding areas likely to be used by foraging and commuting bats
- The site has no potential to support the hazel dormouse or badger and due to the dryness of ditches is not a good habitat for water voles
- The site has moderate potential to support hedgehogs and it is likely that common mammals are present (rabbits, moles...)

3.27 The appraisal concludes that it is unlikely that the proposed development would result in adverse impacts to biodiversity provided mitigation measures are incorporated with respect to reptile habitats; bird breeding season and hedgehog shelters.

3.28 Ecological enhancements are recommended in line with the advice contained in the NPPF, these range from log piles to bird boxes, bat roosting spaces to hedgehog nesting boxes.



- 3.29 In light of the above considerations, there are no objections on the grounds of ecology.

#### Highways

- 3.30 The proposed development is for a single dwelling accessing an unclassified road. As such, it falls outside of the KCC highways consultation protocol.
- 3.31 Plans have been provided showing the proposed access together with vision splays and tracking diagrams. The proposal also entails improvements to the existing access arrangements for the business lorries; currently these turn further along Church Lane undertaking a rather awkward 3+ point turn. It is considered that the additional dwelling and improved arrangements for an existing business, would create a severe impact in highways terms.
- 3.32 Core Strategy policy DM11 directs that development which would generate travel will not be permitted outside of the rural settlement confines unless justified by development plan policies. In this instance the business is existing and the lorry movements are being planned to improve accessibility. The proposed dwelling however, is not justified by any development plan policies, therefore the proposal is contrary to policy DM11 and is considered unacceptable on this basis.

#### Flood Risk

- 3.33 The site is included within Flood Zone 2 on the Environment Agency's flood map and as such the application has been accompanied by a Flood Risk Assessment.
- 3.34 Paragraph 100 of the NPPF states (in part) that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.' In accordance with the guidance contained in the NPPF and the NPPG, it is necessary to apply the sequential test and if necessary, the exception test.
- 3.35 The purpose of the sequential test is to guide new development into areas with the lowest probability of flooding. The assessment submitted as part of the application contends that the sequential test is inappropriate in this instance, due to need for the dwelling in this location. Paragraph 103 of the NPPF directs local planning authorities, when determining planning applications, to ensure that flood risk is not increased elsewhere. In addition to being accompanied by a site specific FRA it needs to be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest risk unless there are overriding reasons to prefer a different location; and
  - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual

risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

- 3.36 The site of Little Stour Orchard is substantially within Flood Zone 3; the site of the proposed dwelling is Flood Zone 2. The development is therefore located in the area of lowest risk within the applicant's control.
- 3.37 The exception test is applied in accordance with the Flood Risk Vulnerability Classification. In the case of new dwellings in Flood Zone 2, these are considered 'More Vulnerable' and accordingly the exception test is not required.
- 3.38 In light of the above and when taking into account the comments received from the EA, there are no objections to this proposal on the grounds of flooding.

#### Other matters

- 3.39 Paragraph 112 of the NPPF states that '*Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.*' The applicant was advised at pre-application stage to assess the soil quality of the application site; the applicant has not agreed with the approach. The applicant considers that the economic benefit for the site for agricultural use is very small and need not be a determinant.
- 3.40 It is understood that historically the site had a use as a market garden but that this use ended some 40 years ago. The site was left unattended and became a dumping ground. There is hardcore on the site and the level has been raised erratically. The site is physically separated from the orchard holding by the drainage ditch system.
- 3.41 The Agricultural Land Classification Maps show the area of West Stourmouth as having a range of BMV land from Grade 1 to Grade 3. Whilst the applicant has not undertaken any soil sampling, as suggested at the pre-application stage, it is clear from visiting the site that the character of the application site differs significantly from the remainder of the holding which is being actively managed. Whilst, with some attention, it may be possible to bring this piece of land back into an agricultural use, it is not considered that an objection could be maintained in isolation on the loss of BMV land.
- 3.42 Southern Water have raised no objection to the proposal and advised that conditions be attached to secure suitable drainage and sewerage arrangements are in place.

#### Conclusions

- 3.43 The proposed development would need to fall within the exceptions under policy DM1, DM15, DM16 or paragraph 55 of the NPPF. The development

would therefore need to be either essential for the purposes of agriculture or be of truly innovative design.

- 3.44 Notwithstanding the number of letters in support of the application, the need for the development is unproven and convenience and desire is not a reason to override the policies of restraint.
- 3.45 The rural adviser is clear in his advice that the case is not proven and neither the functional nor financial tests met. The development is therefore not justified as there is no functional need for it to be in a location outside the confines in this sensitive location contrary to the development plan and the NPPF.
- 3.46 Whilst the sustainable measures incorporated within the design are acknowledged, they are not of an extent to accept the scheme as truly innovative.
- 3.47 Overall the development is inconsistent with the aims and objectives of the NPPF and Development Plan. For the reasons given above it is considered that this application is unacceptable, and as such I recommend planning be refused.

g)

**Recommendation**

- I Planning permission be REFUSED for the following reason: The development would, if permitted, result in an unjustified form of development which would be harmful to the setting, appearance, character and quality of the countryside, contrary to Core Strategy policies DM1, DM15, DM16 and NPPF paragraphs 17 & 55.

Case Officer

Amanda Marks



**Not to scale**

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**Note:** This plan is provided for purposes of site identification only.

**Application: DOV/17/00913**

**2A York Road**

**Walmer**

**Deal**

**CT14 7EA**

**TR 7662 1437**



a) **DOV/17/00913 – Erection of a single storey detached dwelling (existing garage to be demolished) – 2a York Road, Walmer**

Reason for Report:

Referred to Committee due to the number of contrary views (7)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines
- DM13 provides guidance on parking provision
- CP1 outlines where development should ideally be located

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 17 – securing a good level of amenity to existing and future occupants
- Paragraph 56 and 58 – good design as a key aspect of sustainable development
- Paragraph 132-134 – safeguarding the historic environment with detailed reference to section 72 of the Planning (Listed Buildings and Conservation Area) Act, 1991

Walmer Design Guide

- Section 5.3 – outlines the main features/characteristics of the St Saviour area of Walmer in which the site is located

d) **Relevant Planning History**

DOV/05/01377- application for a detached 2 bed, 2 storey dwelling - refused due to impact on residential amenity (loss of light, and sense of enclosure/overbearing impact) and being out of keeping with the area and the conservation area.

e) **Consultees and Third Party Responses**

- Walmer Parish Council

The Parish Council support the proposal but reiterate concerns raised by neighbours which are outlined below.

- Southern Water:

SW raise no objection but request that an informative be added to any permission advising of the need for a formal application to be made in due course to Southern Water for a connection to the public sewer.

- KCC Archaeology:

No objections are raised in terms of archaeology but a condition requiring a watching brief is requested.

- Public Representations:

7 letters of objection have been received; the comments are summarized as follows:

- Proposal may lead to loss or partial demolition of the brick and flint boundary wall which is contemporary with the terraced dwellings on York Road
- If the proposed dwelling were lower than the existing garage, the gardens of neighbouring dwellings could possibly be overlooked by the flats in the North Barracks development
- The lower garden wall could lead to a loss of security to the rear gardens of the neighbouring dwellings
- There could be a loss of the 'courtyard nature' of the gardens
- The loss of a period wall is unacceptable in a conservation area

In discussions with the objectors on site, issues surrounding parking pressure were also raised.

21 letters of support have been received; the comments are summarized as follows:

- The development will tidy up the site, improve the street scene and remove an eyesore
- It would provide much needed housing

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

- 1.1 The application site is located behind 1, 2, 2A and 3 York Road and is accessed via a driveway from Canada Road. There is currently a garage used for storage on the site to the rear of 3 York Road, and metal gates to the Canada Road access. The garage abuts the rear façade of no.3 and is built on top of a flint and brick boundary wall between no.3 and no.4 York Road. The ground level of the site is approximately 1.5m higher than the land level in the gardens of 4 – 7 York Road. The site is fully covered in hard surfacing.
- 1.2 To the rear of 2 and 2A York Road, there are small courtyard gardens, which have been separated from the application site by high blockwork boundary walls. There are doors and windows at ground floor level in the rear façade of these properties and windows in the flanking wall of 1 York Road face into the courtyard. There is a single rear first floor bedroom window which currently overlooks the roof of the garage on the application site to the rear façade of 3 York Road.
- 1.3 To the immediate west, also set back from Canada Road behind gates, is a single storey garage building, which separates the application site from 4A Canada Road which is a flat roofed building in use as a salon. On the opposite side of the road is a section of high brick wall which surrounds the North Barracks site. It should be noted that this part of Canada Road and York Road are highly varied in types of buildings, forms and materials used and there is a mix of commercial, garaging and residential uses evident.

- 1.4 The proposal is for a single-storey one bedroom dwelling to be erected on the site of the existing garage and hardstanding. The existing garage would be demolished. The modern brick and blockwork built on top of the period brick and flint boundary wall would be removed but the period wall would remain.
- 1.5 The dwelling would be 'L'-shaped and would measure 12.0m from the front façade (the façade facing Canada Road) to the façade facing the existing brick and flint boundary wall to the north. The width at the front façade would be approximately 4.2m. The width along the boundary wall would be 6.0m. The rear façade (with windows and doors facing the proposed courtyard) would have a width of 3.7m. The external patio/courtyard area to the east (between the rear façade of the proposed dwelling and the rear façade of 3 York Road) would measure 3.4m by 3.5m.
- 1.6 The materials proposed for the exterior finishes are brick and render, plain clay roof tiles and timber-framed windows; materials which are typical of the neighbouring buildings and structures. The drawings do not specify the window materials and therefore it would be reasonable to secure these details by condition.
- 1.7 There would be windows or glazed doors and glazed gables to both the front and rear façades. The upper section of glazing (above door level within the roof slopes) of the rear façade would be obscure glazed. This was not noted within the drawings but has been confirmed by email and therefore it would be reasonable to secure this by condition.
- 1.8 Given the limited frontage this property would have, an area of the front land would be enclosed with 1.0m high timber fencings to partially obscure views of the bin storage area.

## **2. Main Issues**

- Principle of Development
- Impact on the visual amenity of the area
- Impact on the residential amenity of the area
- Impact on highways and parking
- Impact on the character and appearance of the Walmer Seafront Conservation Area.

## **3. Assessment**

### Principle of Development

- 3.1 2A York Road is located within the confines of Walmer and is therefore DM1 compliant. The development would also accord with CP1 as it is located at a District Centre.

### Impact on Visual Amenity and Street Scene of the Area

- 3.2 The application site is currently in use for storage and is secured with solid metal gates. Whilst there is generally little open air storage, the site and garage has a tired appearance and, along with the rather industrial gates, does have a negative impact on the street scene and visual amenity of the site.
- 3.3 The proposal, whilst developing the site to a much greater degree, would make use of materials which are typical to the area and would present a more domestic façade to Canada Road. Apart from the façade, little of the proposed development would be visible in any public views however, the use of sympathetic materials is carried across the external surfaces.
- 3.4 The design and detailing of the windows and doors to the development, whilst contemporary, are in keeping with the fenestration pattern of the surrounding buildings.
- 3.5 The glazed gable to the front façade, whilst not typical of the area, would not appear out of keeping given the varied mixture of building types in the area. It would give a more contemporary detail to the building such that it would not appear apologetic or contrived to fit in to the locality but would not result in the development being overly prominent in the street scene.
- 3.6 Bin storage would be provided to the front of the property. A 1.0m high timber enclosure would be constructed to minimise the visual impact of the bin store.
- 3.7 It is considered that the design of the proposed dwelling would neither harm the visual amenity of the area nor the street scene and it is considered to be in line with the requirements section 5.3 of the Walmer Design Statement for this area and therefore the design solution is considered acceptable.

#### Impact on Residential Amenity of the Area

- 3.8 The application site is south and west of the nearest residential neighbours. The proposed dwelling would be 0.3m higher than the existing garage and would therefore not result in an undue loss of light to the gardens to the rear of 4 – 7 York Road. The proposed dwelling would be west of the garden spaces for 2 and 2A York Road which currently have a 2.3m high blockwork wall to the rear boundary (the blockwork walls would be replaced with the brick walls of the dwelling). It is considered that, given the proposed pitch of the roof, there would be no undue loss of light to the gardens nor to any internal room of these two dwellings nor any undue sense of enclosure or loss of outlook as a result of this proposal nor would the proposal result in an overbearing development. The outlook would be improved by replacing the rather non-domestic 2.3m high blockwork boundary wall with the brick flanking wall of the proposed dwelling.
- 3.9 There are no windows proposed in the north or east facing elevations which would result in any overlooking, interlocking or a loss of privacy (there is only a single high-level roof light to the east roof slope which would not allow for views of neighbours). The only other openings are to the Canada Road façade, and the east façade to the courtyard/patio area. There would be no harm to amenity as a result of the openings to the façade given the distance to the nearest residential unit beyond the high brick wall. There would be no actual overlooking, interlocking or loss of privacy to no.3 due to the obscure glazing in the glazing above the patio doors; only the ceiling of the bedroom



could be seen from the patio doors or within the courtyard at a very acute angle. There would be equally minimal views from this window in the rear façade of no.3 at first floor level into the proposed dwelling. The ridge of the proposed dwelling would be 0.5m higher than the sill of this window and as such, given the shallowness of the proposed courtyard, views would largely be across the dwelling and courtyard rather than into it. On balance, the amenity of the existing dwelling at no.3 would be maintained and the amenity of any future residents of the proposed dwelling would be safeguarded to an acceptable level.

- 3.10 There is no residential neighbour to the immediate west; the nearest residential neighbour is at 4 Canada Road. Whilst there are roof lights in the west-facing roof slope, these are at high level and would not lead to any loss of privacy, overlooking or perception of overlooking. There would be no impact to any dwelling to the West of the application site.
- 3.11 It is considered that the proposed development would not have an unduly negative impact on the amenity of the neighbouring dwellings.

#### Impact on Highways and Parking

- 3.12 There is unrestricted on-street parking in Canada Road and in the surrounding roads.
- 3.13 This site is not currently, nor has it been recently, used for the parking of vehicles. The loss of this driveway and its associated vehicle access, would increase the on-street parking provision by about one vehicle.
- 3.14 DM13 of the Core Strategy outlines guidance that for a one bedroom house in a town centre location, no more than one parking space is necessary. It goes on to state that in this type of location, if possible and reasonable, a development would be encouraged to forego any allocated or controlled parking.
- 3.15 Concern has been raised about parking pressure in the local area. However, given that this proposal would result in an increase of one on-street parking space, the impact of the development on the local parking would be neutral.

#### Impact on Character and Appearance of Walmer Seafront Conservation Area

- 3.16 The NPPF, in section 12, outlines the requirements when dealing with development within a conservation area. Specifically, it is looking at paragraph 72 of the Planning (Listed Building and Conservation Area) Act 1990 and how it is to be interpreted and applied.
- 3.17 Paragraph 132 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset [such as a conservation area or listed building], great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'. It also states that 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.
- 3.18 Under paragraphs 133 and 134 of the NPPF, there is a need to make a judgement as to whether the harm would amount to substantial or less than

substantial harm. Advice on making this judgement is given in the National Planning Practice Guide (NPPG).

- 3.19 As the application site is within a conservation area, the impact of the development needs to be assessed for harm. Given the varied mix of development in this part of Canada Road, the sympathetic scale and materials proposed and the visual improvement to the site this proposal would make, it is considered that the proposal would not result in any harm to the character and appearance of the conservation area. The impact would be neutral.

#### Other Matters

- 3.20 Bicycle storage provision has been addressed and this would be accommodated inside the dwelling.

#### Conclusion

- 3.21 It is considered that the proposed dwelling is of an acceptable design, scale and materials which would not harm the visual amenity or street scene of the area and would not conflict with the Walmer Design Guide.
- 3.22 It is considered that the proposed dwelling would not have a negative impact on the residential amenity of the adjacent dwellings.
- 3.23 It is considered that the proposal would not result in undue highway safety concerns or unduly increase pressure on on-street parking locally.
- 3.24 It is considered that the proposal would not result in harm to the character and appearance of the conservation area.
- 3.25 On balance, it is therefore concluded that planning permission should be granted.

#### **g) Recommendation**

- I Planning Permission BE GRANTED subject to the following conditions to include: 1) 3 year commencement; 2) Built in accordance with the approved drawings; 3) samples of materials; 4) Joinery details for timber windows/doors; 5) no run-off of surface water to the highway; 6) provision of bin store prior to first occupation; 7) PD removed for new windows to any façade; 8) Obscure glazing in rear façade widnows within the roof slope; 9) fence to north boundary provided prior to first occupation; 10) archaeological watching brief.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

#### Case Officer

Andrew Wallace

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<b>Subject:</b>	<b>FEES AND CHARGES 2018/19</b>
<b>Meeting and Date:</b>	<b>Planning Committee (for information) – 16 November 2017 Cabinet – 15 January 2018 (part of larger report)</b>
<b>Report of:</b>	<b>Nadeem Aziz, Chief Executive</b>
<b>Portfolio Holder:</b>	<b>Councillor James Back, Portfolio Holder for Built Environment</b>
<b>Decision Type:</b>	<b>Key</b>
<b>Classification:</b>	<b>Unrestricted</b>

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**Purpose of the report:** This report has been prepared in order to bring the levels of fees and charges (F&Cs) for the financial year 2018/19 to Members attention. These revised F&Cs will be included in the budget estimates for 2018/19.

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**Recommendation:** Planning Committee

That Members note the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Cabinet

That Members approve the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Minor adjustments to the local fees and charges to be delegated to the Head of Regeneration and Development, in consultation with the Director of Finance, Housing and Community.

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## 1. Summary

The constitution specifies that the Council's F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2018/19. The fees and charges for planning are included in Appendices 5.1 and 5.3 for members to note. Members will also note the national fees for planning included in Appendix 5.2. These were introduced in November 2012 and include a 15% increase on fees prior to this date.

## 2. Introduction and Background

2.1 The Council's constitution specifies that F&Cs shall be reviewed annually.

2.2 The level of Member approval required is dependent upon the types of F&Cs raised and therefore reports have to be submitted to:

- Licensing Committee
- Regulatory Committee
- Planning Committee
- Cabinet

- 2.3 In order to meet this requirement the following reports are produced for setting the Planning fees:
- Planning Committee – Report to the meeting on 16 November 2017 of all F&Cs relevant to the Planning Committee.
  - Cabinet – Report to the meeting on 15 January 2018 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.
- 2.4 Members are reminded that a framework of broad guidelines to be considered in formulating proposals for F&Cs is in place. This includes a checklist which has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Appendix 1.
- 2.5 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Appendix 5.1.

#### Detail and Narrative

These give a brief summary of the type of service being provided.

#### Set by Government

This indicates whether a charge is statutory or not. If a charge is statutory then it is effectively set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

#### 2017/18 Charge Inc VAT

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, especially those such as car parking, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, based on the appropriate market level. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

#### 2018/19 Proposed Charge Inc VAT

This is the recommended charge for 2018/19 and will, subject to Members' approval, be included in the 2018/19 budget.

#### 2018/19 Total Expected Income ex VAT

This gives a broad indication as to how much income DDC is expected to receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. The more significant income streams (generating over £3k) have been highlighted in **bold** type.

In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

#### Comments (inc Reason for the Change in Charges)

This provides Members with a brief explanation for the change. This will often be due to inflation or “catch up” inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance is still awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level. Members’ approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

### **3. Basis for Setting of Fees**

3.1 Members should take into account the following matters referred when noting the fees and charges included in Appendices 5.1-5.3:

- The statutory basis for levying the charges.
- All relevant legal requirements and government guidance.
- The cost of providing the service.
- The need to maximise income at a time of grant cuts and council tax capping so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
- Comparable charges at neighbouring authorities.
- What the market can bear.
- The matters referred to in the checklist of issues to consider (at Appendix 1)

### **4. Resource Implications**

See Appendices.

### **5. Corporate Implications**

5.1 Comment from the Director of Finance, Housing and Community (linked to the MTFP): Finance have been involved in the production of this report and have no further comment to make (VB).

5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

5.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications, however in discharging their responsibilities members are required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

### **6. Appendices**

- Appendix 1 – Fees and Charges checklist
- Appendix 5.1 – Schedule of recommended F&Cs
- Appendix 5.2 - A Guide to National Fees for Planning Applications in England
- Appendix 5.3 – Pre-application Planning Fees

Contact Officer: Mike Ebbs, Head of Regeneration and Development

**Fees and Charges Checklist**

<p><b>Corporate and Service Objectives</b>                  Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives?</p>
<p><b>Users of the Service</b>                  Is there sufficient understanding of our service users and their needs and wishes?                   Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed?                   Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation.</p>
<p><b>Comparison with other providers</b>                  Is there a complete picture of competition and providers of similar services – including other Local Authorities?</p>
<p><b>Consultation</b>                  Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements?                   Is wider community consultation appropriate for any of your charges? Has it been undertaken?</p>
<p><b>Performance Management</b>                  Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success?</p>
<p><b>Financial Considerations</b>                  Is the charge at a level to fully recover all costs or if is subsidised - why?                   Have we considered all services for which we can / should charge a fee?                   Are there any fees that we charge, that have not been included in the schedule?                   Are we being radical in our approach to charging and are our charges cost effective?</p>
<p><b>Corporate Income Policy</b>                  Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.</p>
<p><b>Legal Considerations and Other Guidance</b>                  Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account?</p>
<p><b>Customer Access Review</b>                  Consider whether the CAR for your service includes any issues for specific fees.</p>

Fees and Charges 2018/19

				2017/18	2018/19	2018/19		
	Detail	Narrative	Set by Government? Y/N	Charges inc VAT	Proposed Charges inc VAT	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income
<b>Planning - N. Aziz - M. Ebbs - Cllr Back</b>								
1	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	Y	£5.00	£5.00	£750.00	0%	
2	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.10	£0.10		0%	
3	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.20	£0.20		0%	
4	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£5.00	£5.00		0%	
5	General	Research on Planning Histories, Permitted Development Rights and Use classes	N	£35.00	£35.00		0%	
6	General	Planning Application Fees (see Appendix 5.2 - A Guide to the Fees for Planning Applications in England)	Y			£650,000	8%	Based on current income forward analysis
7	General	Pre-application advice (see Appendix 5.3)	N			£65,000	18%	Fee increase being proposed

Fees and Charges 2018/19

				2017/18	2018/19	2018/19		
	Detail	Narrative	Set by Government? Y/N	Charges inc VAT	Proposed Charges inc VAT	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income
<b>Planning - N. Aziz - M. Ebbs - Cllr Back</b>								
8	General	Details pursuant to conditions	Y			£15,000	0%	
9	General	Details pursuant to conditions	Y				0%	
10	General	Advice on compliance of conditions information	Y				0%	
11	General	Advice on compliance of conditions information	Y				0%	



# A Guide to the Fees for Planning Applications in England

These fees apply from 31 January 2017 onwards.

This document is based upon '[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#)'

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

<b>All Outline Applications</b>		
£385 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£385 per 0.1 hectare
£9,527 + £115 for each 0.1 in excess of 2.5 hectares to a maximum of £125,000	More than 2.5 hectares	£9,527 + £115 per 0.1 hectare

<b>Householder Applications</b>		
Alterations/extensions to a <b>single dwellinghouse</b> , including works within boundary	Single dwellinghouse	£172

<b>Full Applications</b> (and First Submissions of Reserved Matters)		
Alterations/extensions to <b>two or more dwellinghouses</b> , including works within boundaries	Two or more dwellinghouses (or two or more flats)	£339
<b>New dwellinghouses</b> (up to and including 50)	New dwellinghouses (not more than 50)	£385 per dwellinghouse
<b>New dwellinghouses</b> (for <i>more</i> than 50) £19,049 + £115 per additional dwellinghouse in excess of 50 up to a maximum fee of £250,000	New dwellinghouses (more than 50)	£19,049 + £115 per additional dwellinghouse

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<b>Full Applications</b> (and First Submissions of Reserved Matters) continued...		
<b>Erection of buildings</b> (not dwellinghouses, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£195
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£385
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£385 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£19,049 + £115 for each additional 75 sq m in excess of 3750 sq m to a maximum of £250,000
<b>The erection of buildings</b> (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£80
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£385
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£385 for first 540 sq m + £385 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£19,049 + £115 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £250,000

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<b>Full Applications</b> (and First Submissions of Reserved Matters) continued...		
<b>Erection of glasshouses</b> (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£80
Gross floor space to be created by the development	More than 465 sq m	£2,150
<b>Erection/alterations/replacement of plant and machinery</b>		
Site area	Not more than 5 hectares	£385 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£19,049 + additional £115 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £250,000

<b>Applications other than Building Works</b>		
<b>Car parks, service roads or other accesses</b>	For existing uses	£195
<b>Waste</b> (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£29,112 + £115 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £65,000
<b>Operations connected with exploratory drilling for oil or natural gas</b>		
Site area	Not more than 7.5 hectares	£423 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£31,725 + additional £126 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £250,000

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<b>Operations (other than exploratory drilling) for the winning and working of oil or natural gas</b>		
Site area	Not more than 15 hectares	£214 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£32,100 + additional £126 for each 0.1 in excess of 15 hectare up to a maximum of £65,000
<b>Other operations (winning and working of minerals) excluding oil and natural gas</b>		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£29,112 + additional £115 for each 0.1 in excess of 15 hectare up to a maximum of £65,000
<b>Other operations (not coming within any of the above categories)</b>		
Site area	Any site area	£195 for each 0.1 hectare (or part thereof) up to a maximum of £1,690

<b>Lawful Development Certificate</b>	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£195
Proposed use or operation	Half the normal planning fee.

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<b>Prior Approval</b>	
Agricultural and Forestry buildings & operations or demolition of buildings	£80
Telecommunications Code Systems Operators	£385
Proposed Change of Use to State Funded School or Registered Nursery	£80
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£80
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£80
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£172
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£80
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£172
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£80
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£80
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£172

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<b>Prior Approval</b> continued...	
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)	£80
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations	£172
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)	£80

<b>Reserved Matters</b>	
Application for approval of reserved matters following outline approval	Full fee due or if full fee already paid then £385 due

<b>Approval/Variation/discharge of condition</b>	
Application for removal or variation of a condition following grant of planning permission	£195
Request for confirmation that one or more planning conditions have been complied with	£28 per request for Householder otherwise £97 per request

<b>Change of Use</b> of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellinghouses	Not more than 50 dwellinghouses	£385 for each
Number of dwellinghouses	More than 50 dwellinghouses	£19,049 + £115 for each in excess of 50 up to a maximum of £250,000
<b>Other Changes of Use</b> of a building or land		£385

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<b>Advertising</b>	
Relating to the business on the premises	£110
Advance signs which are not situated on or visible from the site, directing the public to a business	£110
Other advertisements	£385

<b>Application for a Non-material Amendment Following a Grant of Planning Permission</b>	
Applications in respect of householder developments	£28
Applications in respect of other developments	£195

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<b>CONCESSIONS</b>
<b>EXEMPTIONS FROM PAYMENT</b>
For alterations, extensions, etc. to a dwellinghouse for the benefit of a registered disabled person
An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted
Listed Building Consent
Planning permission for relevant demolition in a Conservation Area
Works to Trees covered by a Tree Preservation Order or in a Conservation Area Hedgerow Removal
If the application is the first revision of an application for development of the same character or description on the same site by the same applicant: <ul style="list-style-type: none"> <li>• For a withdrawn application: Within 12 months of the date when the application was received.</li> <li>• For a determined application: Within 12 months of the date the application was granted, refused or an appeal dismissed.</li> <li>• For an application where an appeal was made on the grounds of non-determination: Within 12 months of the period when the giving of notice of a decision on the earlier valid application expired.</li> </ul>
If the proposal relates to works that require planning permission only by virtue of an Article 4 Direction of the Town & Country Planning (General Permitted Development) Order 1995. I.e. where the application is required only because of a direction or planning condition removing permitted development rights.
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation
If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question
If the application is for alternative proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class E of the Town and Country Planning (General Permitted Development) Order 1995
If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area
If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
Prior Approval for a Proposed Larger Home Extension



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<b>CONCESSIONS</b> continued...
<b>EXEMPTIONS FROM PAYMENTS</b> continued...
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt

<b>CONCESSIONS</b>
<b>REDUCTIONS TO PAYMENTS</b>
If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £385
If the application is being made on behalf of a parish or community council then the fee is 50%
If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%
In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £385
If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%
If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others
Where an application crosses one or more local or district planning authorities, the Planning Portal fee calculator will only calculate a cross boundary application fee as 150% of the fee that would have been payable if there had only been one application to a single authority covering the entire site.
If the fee for this divided site is smaller when the sum of the fees payable for each part of the site are calculated separately, you will need to contact the lead local authority to discuss the fee for this divided site.
The fee should go to the authority that contains the larger part of the application site.

**ENDS**

## **Pre-application Advice**

### **Why Seek Advice?**

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent you from obtaining planning permission.

Basic, free or charge advice on the planning process is available by visiting a local office or over the telephone.

If you would prefer a specific review of your proposals and detailed guidance on the application process, we recommend you to obtain formal pre-application advice. This is a charged-for service and is available to meet any scheme.

We are happy to provide advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans. You can use the service just once or it is often beneficial to obtain advice throughout the evolution of your scheme.

Seeking our advice

- gives you an opportunity to understand how our policies will be applied to your development
- can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscape, noise, transport, contaminated land, ecology or archaeology
- will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more smoothly
- may lead to a reduction in time spent by your professional advisors in working up proposals
- could enable you to suggest amendments or consider alternative proposals if a proposal is unlikely to be acceptable

### **Our charges**

From April 2018 we have established a menu of charging to reflect the size and complexity of particular schemes.

Hopefully your scheme will fit into these categories, but if not, do contact us for a fee quote.

	Written	Written + Meeting
Householder	100	165
1-5 dwellings	250	350
Request for formal follow-up advice*	150	250
5-9 dwellings	400	750
Request for formal follow-up advice*	250	350
10-49 dwellings	-	1200
Request for formal follow-up advice*	300	600
50+ dwellings	-	2300
Request for formal follow-up advice*	500	1000
Commercial up to 250m2	100	165
Commercial up to 500m2	150	250
Request for formal follow-up advice*	85	150
Commercial up to 999m2	-	600
Request for formal follow-up advice*	150	250
Commercial over 1000m2	-	1200
Request for formal follow-up advice*	300	600
Additional fees		
Listed Building advice	185	285
Highways	Contact KCC	
Surface Water Flooding & SuDS provision/management	Contact KCC	
Coastal/River Flooding & Safeguarding water quality	Contact EA	

\* Request for formal up advice

This additional fee is applicable if you require a formal review and response. It is not chargeable for matters of clarification

### **We also need the following information for schemes of 10 dwellings and above**

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal

- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

### **What the costs cover**

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.

### **How to Apply**

Please email [preappadvice@dover.gov.uk](mailto:preappadvice@dover.gov.uk)

Pre-application advice cannot guarantee the final formal decision that will be made on your application. However, any pre-application advice that has been provided will be carefully considered in reaching a decision.