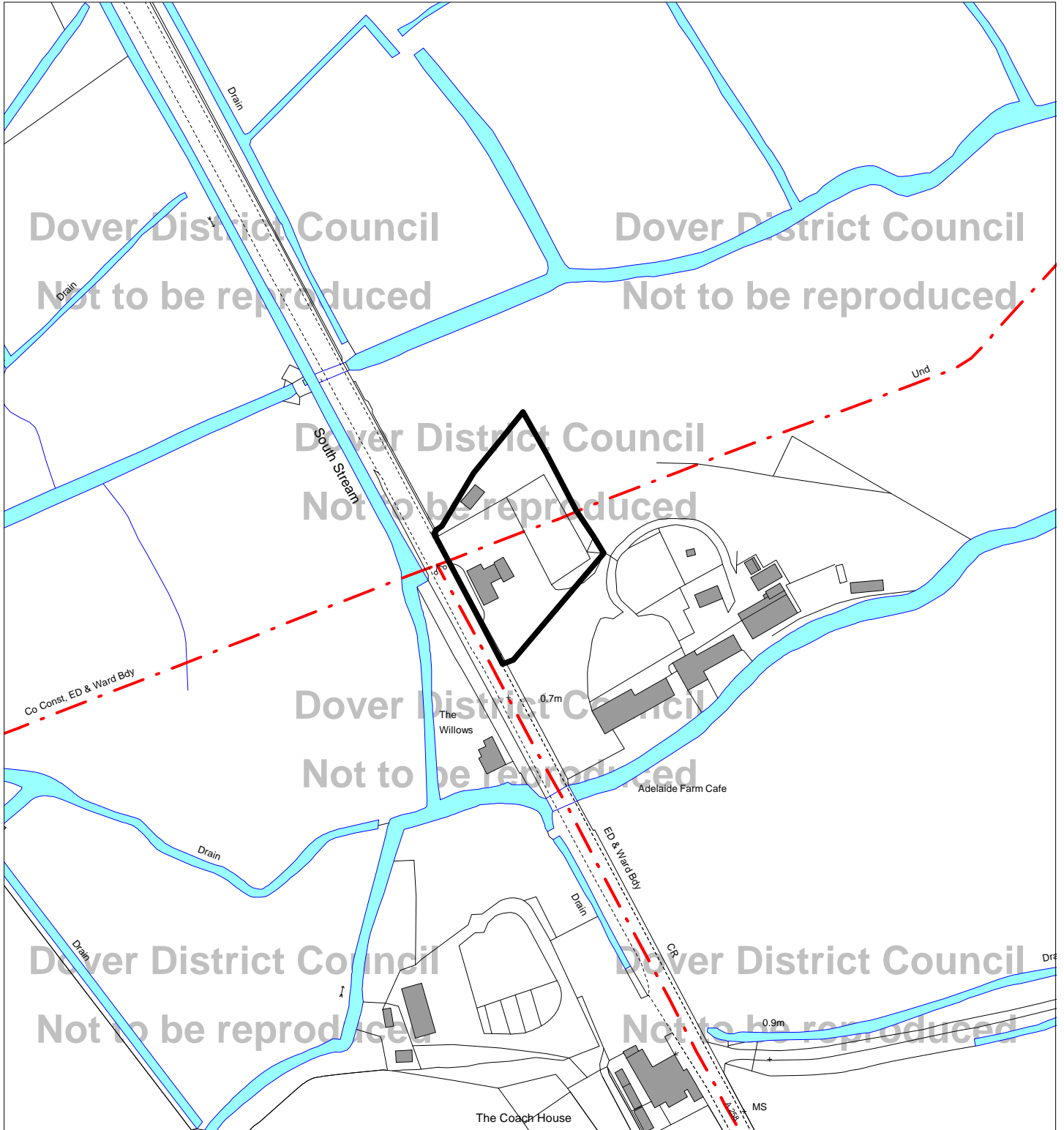


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**Application: DOV/15/00299**

**Adelaide Filling Station**

**Sandwich Road**

**Sholden**

**CT14 0AT**

**TR34215422**



- a) **DOV/15/00299 – Change of use to car sales area, siting of a portable building for use as a sales office and associated works - Adelaide Filling Station, Sandwich Road, Sholden, Deal**

Reason for report – Member call-in.

- b) **Summary of recommendation**

Refuse permission.

- c) **Planning policy 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.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy CP1 – Settlement hierarchy.

Policy DM1 – Settlement boundaries.

Policy DM3 – Commercial buildings in the rural area.

Policy DM15 – Protection of the countryside.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

None applicable.

National Planning Policy Framework (NPPF)(2012)

“17. Core planning principles... planning should...

- take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling...”

“28. ... To promote a strong rural economy, local and neighbourhood plans should... support the sustainable growth and expansion of all types of

business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings... “

**Other considerations**

Flood zone 3

Close proximity – Thanet Coast and Sandwich Bay RAMSAR site

Close proximity – Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI)

d) **Relevant planning history**

DOV/91/00815 – Use of the rear of the site for sale of vehicles and replacement of existing building with new cashier and showroom, including associated landscaping – REFUSED.

DOV/92/00428 – Use of compound at rear for sale of vehicles and replacement of existing building with new cashier and showroom together with landscape treatment – APPEAL DISMISSED.

DOV/05/00965 – Change of Use to assembly and retail sales of fencing products (involving the removal of existing pumps and canopy) erection of security fencing, refurbishment and alterations to existing kiosk building and erection of workshop building – REFUSED.

DOV/07/00843 – Change of use from filling station to car sales – REFUSED.

DOV/12/00356 – Retrospective application for a change of use to hand car wash and ancillary retail outlet – GRANTED.

DOV/14/01026 – Retrospective application for the part change of use for car sales and erection of associated portable building – REFUSED.

DOV/14/01026 reasons for refusal:

1. The application site lies within a hamlet without any defined settlement boundary. The proposed car sales use would constitute new development within the countryside, which is unacceptable in principle, since it has not been demonstrated to functionally require such a location. The development is therefore contrary to Dover Core Strategy Policies CP1, DM1 and DM3 and the provisions of the NPPF.
2. The proposed use, incorporating the permanent parking of cars on the forecourt and associated advertisement and sales paraphernalia, would have an urbanising effect on the Hacklinge area, which is located outside urban or village confines, resulting in the consolidation and extension of existing sporadic commercial development to the severe detriment of the open, rural character and visual amenities of

the area, contrary to Dover Core Strategy Policy DM15 and the provisions of the NPPF.

3. The proposed use by virtue of its location outside of the village and urban confines, would generate the need to travel by car, since it is not suitably served by a range of modes of transport, thereby being unsustainable in its location, contrary to Dover Core Strategy Policies CP1 and DM1 and the provisions of the NPPF.

e) **Consultee and third party responses**

Worth Parish Council

No objection.

Sholden Parish Council

No objection.

Senior environmental protection officer

No observations.

Environment Agency

No comment made. Comments under DOV/14/01026 – No objection on the provision that the portable building does not exceed 250 m<sup>2</sup> and that there will be no sleeping accommodation within the site. It is also recommended that filters are included to protect adjacent rivers from run off from the site which may contain chemicals and hydrocarbons.

Kent Highways

Content that no sales cars are proposed to be located near to the access point. Requires that if permission is granted a condition would be needed relating to how cars are delivered to the site i.e. they would need to be driven, rather than delivered on a transporter vehicle.

KCC archaeology

No archaeological measures required.

Public representations

Two objections:

- Surrounded by agricultural land.
- Surrounded by RAMSAR site and SSSI.
- Contrary to adopted policies CP1 (Settlement hierarchy), DM15 (Protection of the countryside) and DM16 (Landscape character).
- Proposal represents commercial intrusion into the countryside and bears no relation in terms of use and character.
- Planning history of site has been consistently to refuse this proposal.
- Applicant has fenced off shared access with café which has made access to the site more difficult.
- Increase in traffic caused by development will be dangerous.

- There is no need for further car sales in the area.
- Notes that applicant has only recently removed cars from site.
- Description in planning application refers to development proposal in future sense, but a lot of this already exists on site.
- Development in Sholden is not relevant.
- Site has never been granted permission for car sales, was only ever a petrol station.
- Disagrees that travel to site other than by private vehicle is realistic – location is unsustainable.
- Access to site is for Adelaide Café as well as car wash and car sales (retrospective or proposed), car sales makes this access difficult. There is no reciprocal agreement across Adelaide Café forecourt, which limits entrance and exit to site.
- There will be an urbanising effect.
- Site layout will create conflicts between motor vehicles and pedestrians.
- This does not provide a service for the community and there is an existing and well established car sales centre in Hacklinge.
- Drawings are inaccurate, existing location of portable building, boundary markings.

f) **1. The site and the proposal**

1.1. The site.

The site is located on the east side of the A258 adjacent to the hamlet of Hacklinge which is located approximately halfway between Deal and Sandwich. The area is primarily rural in character, albeit with a few nearby businesses which are generally historic such as the Adelaide Farm Café, the Coach and Horses Pub and the Marine Garage.

1.2. The application site comprises to the front, an extensive area of hard standing, together with a small building and canopy, which was previously a petrol station and is now being used for a hand car wash, permitted under DOV/12/00356. There are some cars for sale parked on the concrete hardstanding.

1.3. At the rear of the application site is an overgrown area of land which is in part chain link fence enclosed and has a portable building in one corner, which it is understood is currently being used as a car sales office.

1.4. The overgrown area of land measures 34.6 metres x 18.6 metres, orientated on a north north west/south south east axis. The portable building measures 7 metres x 3 metres and is located at the southern corner of the compound. The portable building has advertisements on it displaying “Elite car sales”.

- 1.5. Proposed development.  
The application proposal seeks planning permission for the part change of use of the site to allow car sales. The car sales area would comprise the fenced compound at the rear of the site (indicated for 13 cars) and a parking area perpendicular to the closed northern access (indicated for 10 cars). Additionally there would be space for staff car parking, customer car parking and bicycle parking.
- 1.6. The surface of the compound to the rear of the site is proposed to be constructed of a concrete slab, with a drain running its length along the centre.
- 1.7. The agent has submitted a number of drawings that indicate conflicting proposals. The proposal as described is the development under consideration and is in the large part a resubmission of DOV/14/01026, with the reasons for that refusal being addressed in the design and access statement. Car sales locations have also been amended so that they are not adjacent to the access point and space for cycle parking has been proposed.
- 1.8. In summary the applicant has sought to justify the proposal as follows:
- 1.9. **Reason 1: Functionally requiring this location.** The applicant has sought to justify the location of this development by citing the common element of this proposal and the existing car wash i.e. cars. The applicant considers that the two uses are complementary and that the previous use as a petrol station would commonly have had a complementary car sales area adjacent.
- 1.10. **Reason 2: Urbanising effect.** The applicant has sought to address the reason for refusal under DOV/14/01026 relating to an urbanising effect that it was considered would be caused by the development. The applicant notes the existing development on this site and that on the Adelaide Farm Café, but also notes the Coach and Horses public house, the Marine Garage which incorporates car sales and parking on the junction of Sandwich Road and Burgess Green, riding stables, and the new housing development in Sholden.
- 1.11. **Reason 3: Highways and sustainable transport.** The applicant states that there are bus stops on both sides of the road within 100 metres of the site. The applicant also states that the Sandwich Road is a popular cycle route and that there is an existing footpath enabling pedestrians to access the site.
- 1.12. Discussion with the agent confirms that drawing 2761/02 is correct. The drawing will be displayed at the meeting.

## 2. Main issues

2.1. The main issues to consider are:

- Principle
- Rural character
- Highways and sustainable transport
- Residential amenity
- Wildlife designations

### 3. **Assessment**

#### 3.1. Principle

**Core Strategy.** The proposed development is located outside of any settlement boundary, the closest boundaries being Worth 1.9km to the north west and Sholden (within the Deal boundary) 1.9km to the south east. Therefore it is located in the countryside.

3.2. Policy CP1 of the Core Strategy defines Hacklinge as a Hamlet by virtue of it not being specifically listed in the settlement hierarchy. For a development to be located at a Hamlet it needs to functionally require that location.

3.3. Policy DM1 specifies that development outside of the settlement boundaries will not be permitted unless specifically justified by, “other development policies, or it functionally requires such a location, or is ancillary to existing development or uses.”

3.4. Policy DM3 specifies that, “In all cases development should be within rural settlement confines unless it can be demonstrated that no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.”

3.5. In respect of policies CP1, DM1 and DM3, it is considered that this development does not functionally require a countryside location, there is nothing specific about the use proposed that means this location is required. In terms of being ancillary, there is development on site, namely a car wash, however, the proposed development would not be ancillary to that car wash.

3.6. Addressing the first reason for refusal under DOV/14/01026, the applicant reasons that this is functionally required in this location (see paragraph 1.9), however, contrary to the applicant’s assertion that the former petrol station would “commonly have had a complementary care sales area adjacent” no evidence of this has been submitted.

3.7. In any case this does not justify a functional need for a car sales use in this rural location. In most cases car sales businesses are found in or on the edge of urban areas, and or on commercial estates, which

are more suited to this type of use. It is not considered that the development is in accordance with Core Strategy policy.

- 3.8. **National Planning Policy Framework.** Paragraph 28 of the NPPF seeks to support a prosperous rural economy and states that the sustainable growth and expansion of all types of business and enterprise in rural areas should be supported through the conversion of existing buildings and well designed new buildings. As has already been discussed, a car sales business does not functionally require a rural location. Whilst it is accepted that the NPPF supports the growth and expansion of business, the sustainability objectives of the NPPF, i.e. the economic, social and environmental roles, all have to be met holistically.
- 3.9. This proposal is not considered to fall within the remit of paragraph 28. The development is not considered to be sustainable (addressed below) and does not involve a conversion of an existing building or a well designed new building. The extent of building proposed, which in fact already exists, is a portable unit with no architectural merit.
- 3.10. **Sustainable development.** The economic, social and environmental roles need to be taken together in determining if development can be considered as sustainable.
- 3.11. **Economic role.** Two full time posts and one part time post are proposed to be created by this development. It is accepted that this is a perceived benefit. However, those jobs could be created regardless of the location of the business, which as has been set out above does not functionally require a rural location. In addition the job benefits created here (bearing in mind those jobs could be created anywhere) are not considered to outweigh the harm of the adverse effect created by this development in the countryside.
- 3.12. **Social role.** There are no obvious social benefits created by this development proposal.
- 3.13. **Environmental role.** The use would extend and expand commercial activity beyond an existing permitted area. The NPPF expects development to contribute towards protecting the natural environment. As such the increase in sprawl of a sporadic commercial use in a rural location remote from settlement boundaries and which is unjustified is not considered to meet this NPPF objective.
- 3.14. In conclusion, given the above considerations, the proposed development is not considered to meet the aims and objectives of the NPPF, nor is it Core Strategy compliant.



3.15. Rural character

As noted, this site is considered as countryside by the relevant planning policies in the development plan. Policy DM15 requires development to be refused if it would result in the loss of or would adversely affect the character and appearance of the countryside, unless it can be demonstrated that it is required to support the rural economy/community, justified by the needs of agriculture and cannot be accommodated elsewhere.

3.16. The rear part of the site is undeveloped and the introduction of a portable building and parked cars with associated signage and advertising would result in an expansion of commercial use in this rural location, which would be detrimental to the character and appearance of its surroundings.

3.17. In the Inspector's report (application DOV/92/00428) he opined that the parking of cars on the site would greatly increase the visual impact of the site on its surroundings. Comparing the parking of cars on the forecourt to that of cars parked in the car park fronting the Adelaide Farm Café (adjacent to the south), he concluded that cars displayed for sale purposes would have a much greater impact on their surroundings, since they are parked permanently and are likely to be accompanied by advertisement material. It is considered that this reasoning remains relevant and that the proposed development is contrary to the objectives of policy DM15.

3.18. Referring to the second reason for refusal under DOV/14/01026, the applicant's justification cites existing development as being a reason to permit this proposal. The difference between parking on the application site and the adjacent Adelaide Farm Café is addressed above. The other existing developments that are cited by the applicant are each different from what is proposed under this application and in many cases are historical uses. The character of this area is one of sporadic development, however, its primary character remains rural. The expansion of an unsympathetic commercial use and associated paraphernalia such as the portable building, signage etc. would result in harm to this fundamental character.

3.19. Highways and sustainable transport

**Access.** There is one point of entry and exit directly off of the A258. KCC Highways advised under DOV/14/01026 that suitable width should be retained at the access to allow vehicles entering and exiting to pass each other without causing any that are entering to have to wait on the A258. Previously the applicant has displayed cars for sale at the access point on to the A258 this location, but has amended the scheme proposed under this application so that this is no longer intended.

- 3.20. KCC Highways have confirmed that there is insufficient room for a transporter to enter the site, turn and exit the site all in a forward gear. It would not be acceptable for such a vehicle to reverse into or out of the site, or to park on the A258 for loading/unloading. As such cars for sale would need to be driven to the site.
- 3.21. **Sustainable transport.** In sustainable transport terms, the underlying principle of seeking to direct new development to specifically defined settlements and suitable locations is to take advantage of existing facilities and to thereby reduce the need to travel and access goods. In turn, this helps to protect the countryside and its intrinsic character from unnecessary and unsustainable levels of vehicle activity. The policies of the development plan and the guidance of the NPPF and NPPG reinforce this approach.
- 3.22. In attempting to address the location of the proposed development, the applicant has contended that the site could be accessed by sustainable transport, thereby reducing the need for private motor vehicle journeys.
- 3.23. **Buses.** The nearest bus stops to the application site are in fact located 230 metres and 210 metres south for northbound and southbound services respectively. The service on this route is a rural service, number 13, run by Stagecoach hourly on weekdays and Saturdays. No buses run on a Sunday or on bank holidays. The proposed development would be open from 9:00 until 17:00 on Sundays and bank holidays.
- 3.24. **Cycling.** The designated cycle routes in the area are the national cycle route 1, which runs along Golf Road between Deal and Sandwich and regional route 15, which runs adjacent to the A256 Whitfield bypass, through Eastry and then joins the A258 north of Worth before continuing to Sandwich.
- 3.25. **Walking.** A pedestrian route runs alongside the A258 from Sholden, switching sides north of the Fowlmead roundabout and continuing to the application site. This route does not extend as far as Worth.
- 3.26. It is possible to access the application site by means other than private transport, but given the existing infrastructure and the site location, journeys by private car are likely to be the first option taken by prospective customers.
- 3.27. Correspondence with KCC Highways under DOV/14/01026 states that sales stock is intended to be driven to the site – the intention of which has not changed, meaning that further movements still would be added to the local highway as a result of this development being permitted. This would be contrary to the government's aim of seeking to reduce vehicle and carbon emissions.

3.28. It is concluded that the proposal does not satisfy the aims and objectives of sustainable transport and is therefore contrary to the policies of the development plan and the NPPF.

3.29. Impact on residential amenity

Within the locality there are a number of scattered dwellings, including one opposite, The Willows, and one to the rear of the Adelaide Farm Café. The presence of the A258, the existing use on site and the existing Adelaide Farm Café mean that the proposals under this application are unlikely to cause a significant adverse impact over what is already present or permitted in the vicinity.

3.30. Wildlife designations

Representations have raised the issue of the proximity of the application site to a RAMSAR site and SSSI. However, as the application site does not fall within these designations, or directly abut them, it is considered that the proposed car sales use would be unlikely to have a harmful impact. In any case, the Environment Agency proposed that filters be used to prevent run off into adjacent rivers – such a requirement would need to be conditioned.

3.31. Conclusion

The proposal is considered unacceptable. It is considered that the applicant has been unable to satisfactorily address the reasons for refusal under DOV/14/01026, which remain relevant for this application. It is the combination of the location and of the type of development proposed that means it is difficult to envisage a situation where those reasons could be addressed and where this scheme could be considered acceptable under current planning policy and guidance. As such refusal of this proposal is recommended.

3.32. All third party comments have been taken into consideration in reaching this recommendation.

g) **Recommendation**

- I. Permission be REFUSED, for the following reasons: (1) The application site lies within a hamlet without any defined settlement boundary. The proposed car sales use would constitute new development within the countryside, which is unacceptable in principle, since it has not been demonstrated to functionally require such a location. The development is therefore contrary to Dover Core Strategy Policies CP1, DM1 and DM3 and the aims and objectives of paragraph 17, in particular, of the NPPF. (2) The proposed use, incorporating the permanent parking of cars on the forecourt and associated advertisement and sales paraphernalia, would have an urbanising effect on the Hacklinge area, which is located outside urban or village confines, resulting in the consolidation and extension

of existing sporadic commercial development to the severe detriment of the open, rural character and visual amenities of the area, contrary to Dover Core Strategy Policy DM15 and the aims and objectives of paragraph 17, in particular, of the NPPF. (3) The proposed use by virtue of its location outside of the village and urban confines, would generate the need to travel by car, since it is not suitably served by a range of modes of transport, thereby being unsustainable in its location, contrary to Dover Core Strategy Policies CP1 and DM1 and the aims and objectives of paragraph 17, in particular, of the NPPF.

Case officer

Darren Bridgett