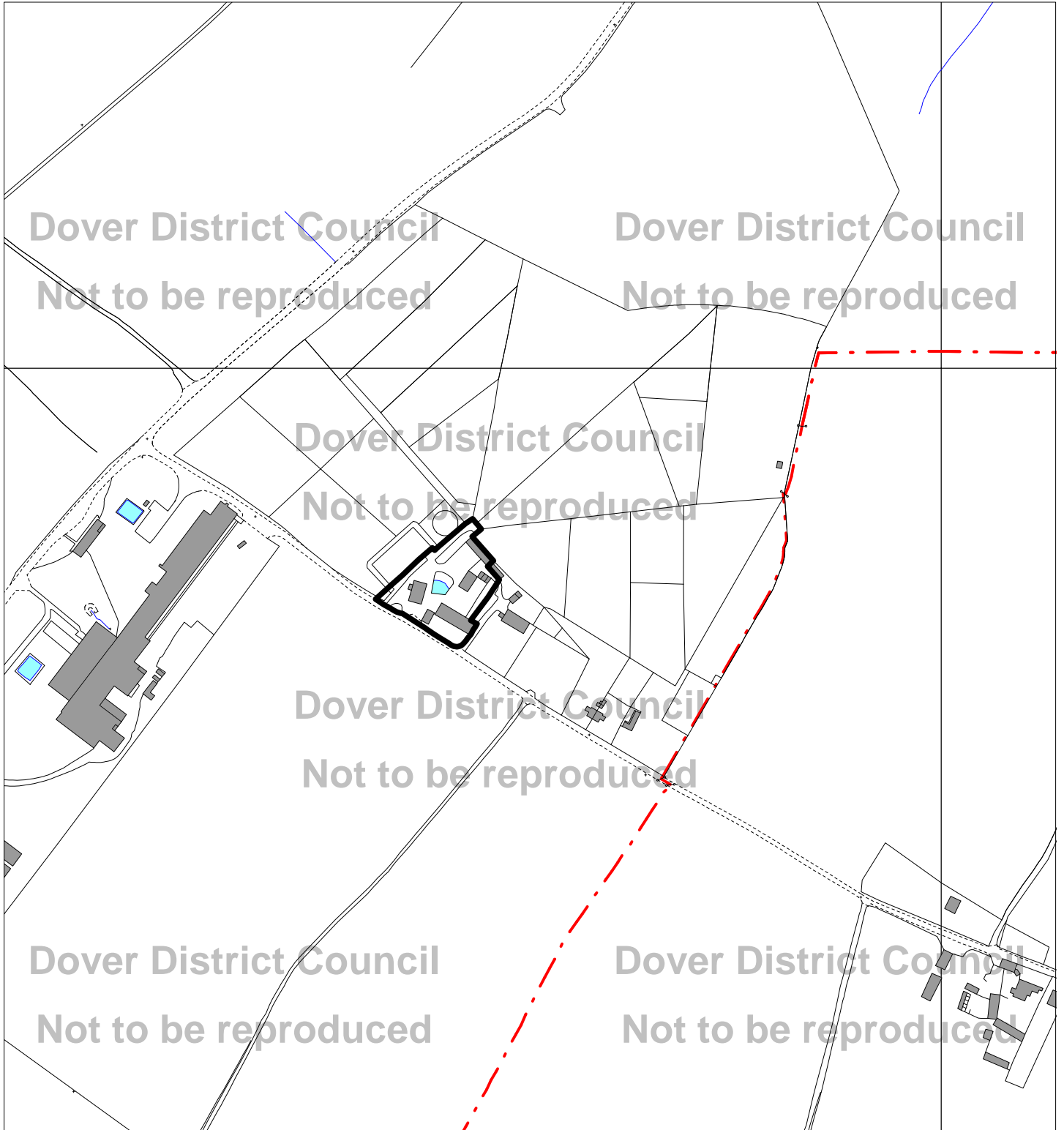


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Application: DOV/15/00336

Denne Court Farm

Hammill

Woodnesborough

CT13 0EG

TR29365584



- a) **DOV/15/00336 – Change of use, partial demolition, conversion and extension of agricultural building to three holiday lets, erection of one detached and a pair of semi-detached dwellings, conversion of shed to garage and associated parking and landscaping (existing sheds and stables to be demolished) – Denne Court Farm, Selson Lane, Woodnesborough**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM3 – Permission for commercial development in the rural area, will be granted, provided it is at a rural service centre or local centre and is consistent with the scale and setting of the settlement, or it is at a village provided it would not generate significant travel demand and is consistent with the scale and setting of the settlement. In all cases the development should be within the settlement confines, unless 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.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

- DM17 – Within Groundwater Source Protection Zones 1 and 2, certain development which has the potential to cause contamination will not be permitted unless adequate safeguards against possible contamination are provided.

National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- 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.
- The NPPF has 12 core 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.
- Chapter three of the NPPF seeks to support a prosperous rural economy
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- 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.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/00/00741 – Change of use from farm buildings to livery stables, construction of sand school and use of paddock for grazing and exercise – Granted

DOV/15/00337 – Application for Listed Building Consent for internal and external alterations and partial demolition of agricultural building to facilitate conversion and extension to provide 3 holiday lets - Granted

e) **Consultee and Third Party Responses**

Principal Ecologist: The submitted ecology report is satisfactory. The recommended ecological enhancements should be incorporated into the development and be secured by condition.

KCC Highways and Transportation: No objection. Whilst Selson Lane is narrow, the proposals are unlikely to generate a significant increase in overall traffic compared to the existing and potential uses of the site. There is likely to be a reduction in larger vehicles compared to these uses. Visibility splays should be provided to the proposed access to the site and to the access of Denne Court Farm. Five conditions are recommended, should permission be granted.

Conservation Officer: The following observations have been made:

- With the exception of the ‘Danish Piggery’, which is of low historic interest (but worth preserving), the existing buildings are of no historic merit.
- The perpetuation of the historic layout, surviving pond and ‘Danish Piggery’ is positive.
- The application site is quite well hidden, and visually severed, from the Listed farmhouse. The two sites are visually separated and experienced separately.
- Whilst the new arrangements preserve some existing historic character, they cannot, by their intrinsic nature as modern residential redevelopment, enhance any further the historic character of the former farmyard site.

Woodnesborough Parish Council: Positively support the application, which is seen as a good use of a brown field site that will bring in business to the local area.

Environmental Health: Based on the agricultural history of the site and the number of buildings being present, some of which appear to have roofing which may contain ACM, previous mention of a tank on site and the recommendations contained in the desk study, I would recommend that the Dover standard contaminated land condition be considered, with the removal of the paragraph that requests a desk study. This is necessary to eliminate any doubt of chronic exposure in relation to the permanent residence properties.

Environment Agency: Following the submission of additional information, no objection is raised, subject to five conditions being attached to any grant of planning permission. These conditions relate to investigating and mitigating on-site contamination, the identification of previously unknown contamination and detailing strict requirements for drainage of the site.

Health and Safety Executive: Do not recommend against the granting of planning permission on safety grounds.

Southern Water: No objection. The applicant will need to ensure that arrangements are made for the long term maintenance of the SUDS facilities. The applicant is also advised to consult directly with the Environment Agency regarding the use of septic tank drainage which disposes of effluent to sub soil irrigation.

Southern Gas Networks: Southern Gas Networks have no pipelines in the area.

Public Representations: Fifteen letters of support have been received, raising the following points:

- The development would be in keeping with the rural character of the area
- The development includes good re-use of existing buildings and brown field land
- The holiday lets will bring tourism and economic benefits to the area
- Additional residents will support local services
- The proposal includes a satisfactory access
- The development would reduce the number of vehicle movements generated in comparison to the existing equestrian use
- The natural landscaping, including the pond, is positive
- The additional housing is needed
- The development would reuse a historical site
- The site benefits from permitted development rights
- The development should be assessed in the context of the development at Hammill brickworks

In addition, three letters have been received raising the following comments:

- The site plan is erroneous
- The site is in equestrian use, not agricultural
- Access to site is difficult
- The properties further down Selson Lane are not screened by tall brick walls, as the brick walls belong to the buildings themselves.
- The high brick wall is a highway safety concern
- The trees on the boundary of the site are not owned by the applicant
- No evidence has been submitted that the development will enhance the setting of Denne Court
- Impact on the living conditions of Denne Court
- Both barns which were originally on the site were thatched
- Bats, badgers, birds and butterflies have been seen in the area
- Additional traffic
- The development could be supported if strong measures are taken to ensure that Selson Lane does not become busy or dangerous

f)

1. **The Site and the Proposal**

1.1 The site lies outside of the settlement confines within the countryside. The area around the site is relatively flat and predominantly used to grow arable crops. The area is crossed by a number of small country lanes which are typically bounded by hedges.

- 1.2 To the south east of the site is Denne Court Farm, which is a Grade II Listed Building. The list description describes Denne Court Farm as:

House. C17 altered early C19. Red brick in English bond with plain tiled roof. Two storeys on plinth and hipped roof with stacks to end left and, moulded, to right. Three paired glazing bar sashes on each floor with single glazing bar sash to centre right on first floor and glazed door below it on ground floor. Outshot to rear. A manorial site. (See Hasted x 1130).

- 1.3 The site is around 100m to the west of the Hammill Brickworks site, which was granted permission for a mixed use scheme in June 2014, under application number DOV/12/00460. Development on this site is underway.
- 1.4 The site itself is currently occupied by two large barns towards the south west of the site, together with several smaller barns and stables towards the north and east of the site. At the time of the application, the site and its buildings were in use as livery stables. To the north of the site, land is available for the grazing of horses, whilst a sand school is also provided. The existing buildings on the site, with the exception of a brick built building to the north eastern boundary, known as the 'Danish Piggery', date from the mid to late C20th and are of a utilitarian design. To the centre of the site is a courtyard, which includes a pond.
- 1.5 This application seeks permission to erect two large buildings towards to south west of the site, to provide three dwellings and extend and convert the Danish Piggery to provide three holiday let units. This development would follow the demolition of all the buildings on the site, with the exception of the Danish Piggery and the walls around the pond.
- 1.6 The dwellings would each provide four bedrooms, whilst the three holiday lets would each provide two bedrooms. The central courtyard would be retained and would allow for the provision of car parking.

2 **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on heritage assets
- The impact on neighbouring properties
- The impact on the highway network

Assessment

Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. Dwelling houses and holiday lets (insofar as they relate to new build elements) do not functionally require a rural location, whilst the development would not be ancillary to the existing uses or development at the site. The reuse of the 'Danish Piggery', is considered to functionally require a

rural location, as it reuses an existing building. The erection of the dwellings is not supported by other policies in the development plan and is therefore contrary to Policy DM1. Whilst the reuse of the 'Danish Piggery' accords with Policy DM1, the holiday lets must also be considered under policies DM3, which is relevant to the new build element of the holiday lets, and DM4, which is relevant to the converted element of the holiday lets.

- 2.3 The conversion of the 'Danish Piggery' to holiday lets includes the re-use of the existing building and, as such, it is necessary to consider Policy DM4 of the Core Strategy. No other buildings include the re-use or conversion of existing buildings. Under Policy DM4, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings within the settlement confines. Beyond the confines, permission will be given for commercial uses, or community or private residential uses provided the buildings to be converted are adjacent to the confines. The reuse of the existing building to provide holiday lets comprises a commercial use, which is permitted by this policy, subject to the provisos that the building to be converted is of a suitable character and scale for the use proposed, contributes to the local character and is acceptable in all other respects. The conversion of the existing building is, in principle, acceptable.
- 2.4 Whilst the holiday lets would fall under Use Class C3, their occupation would be 'commercial'. Policy DM3 generally supports new commercial buildings in the rural area, provided it is sustainably located. However, the holiday lets would be a significant distance (1.2km) outside of the settlement confines of the nearest settlement, Eastry, which is defined as a Local Centre under the Settlement Hierarchy. The new build element to the 'Danish Piggery' would not therefore be supported by DM3.
- 2.5 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour 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 deliverable housing sites". At present, the council is unable to demonstrate a five year supply of housing land. As such, and in accordance with paragraph 14 of the NPPF, planning permission must be granted, unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".
- 2.6 Paragraph 29 of the NPPF states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel". This paragraph goes on to acknowledge that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas".
- 2.7 The site lies a significant distance (1.2km) outside of the confines of Eastry. The link to Eastry is via Selson Lane, which is a relatively narrow, unlit country road with no footpaths. Whilst some stretches of the lane include grass verges, which would allow some refuge for pedestrians, substantial sections of the lane are bounded by vegetation, walls or fences, meaning that pedestrians would need to walk on the roadway. This includes a section of the road where, due to sharp bends in the road, the forward visibility of drivers is reduced. Given the distance, convenience and safety of this walk, it is highly unlikely

that occupiers of the development would walk to Eastry to use its services. No buses pass the site. The nearest bus stop is found on Hammill Road, around 250m to the north east. However, this is an infrequent service providing one bus per week (No.542) which travels along Hammill Road and on to Sandwich. Given this very limited level of service, the development would not facilitate the use of public transport and would allow little choice about how occupants of the development could travel. For these reasons, the development would be highly dependent on private modes of transport, with no real alternative, and would be isolated from the facilities and services of neighbouring rural settlements.

2.8 Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities whilst new isolated homes in the countryside should be avoided, except where special circumstances exist. As addressed previously, the site is considered to be isolated. The circumstances where isolated housing may be acceptable include:

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

2.9 The holiday-let units do intend to reuse the existing stabling. The principle of this aspect of the development may be an exception, subject to this aspect enhancing their immediate setting.

2.10 No case has been made in respect of the first three criteria and it is clear that the application has not been made on the basis of meeting these criteria; however, the applicant does contend that the fourth criterion would be met. It is therefore necessary to make an assessment in this respect. In order to meet this criterion, four mutually required criteria should be met, requiring that the development:

- be truly outstanding or innovative, helping to raise the 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.

2.11 The applicant has suggested that the building could be built to the highest standards under the Code for Sustainable Homes (up to level 5). However, no details have been submitted to demonstrate how the development would be constructed to high environmental standards, or what environmental technologies would be incorporated. Furthermore, following the Deregulation Bill 2015 receiving Royal Assent, the Code for Sustainable Homes has now been withdrawn and cannot, therefore, be relied upon. The development is not considered to be of an exceptional quality or innovative (which will be considered in more detail within the Character and Appearance section of this report). As such, the development does not meet the high test of

demonstrating that the development would be of exceptionally high quality or innovative design.

- 2.12 For these reasons, with the exception of the holiday lets, the development does not meet the four exceptional circumstances where isolated rural development may be accepted. However, the wording of paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive. However, it is not considered that there are any other significant benefits which would represent an exceptional circumstance for the purposes of paragraph 55 (as detailed in paragraphs 2.14, 2.15, 2.33, 2.47 and 2.49-2.53) and, consequently, the development would be contrary to paragraphs 29 and 55 of the NPPF.
- 2.13 It is considered that only the conversion of the existing stable building to holiday lets meets an exception outlined in paragraph 55 of the NPPF comprising the re-use of an existing building, whilst this element would also comply with Policy DM4 of the Core Strategy. It is therefore considered that this part of the development is, in principle, acceptable.
- 2.14 The erection of three dwellings, following the demolition of the existing buildings would, in principle, be contrary to Policy DM1 and the NPPF, in particular paragraphs 29 and 55. The principle of this element of the proposals is not supported by any other policies. Some weight must be attributed in favour of the development, by virtue of the District's lack of a demonstrable five-year housing land supply, having regard for chapter six of the NPPF and, in particular, paragraph 49. Weight must also be attributed to the fact that this development would utilise previously developed land. Whilst the development would, to a degree, contribute towards the District's need for housing land, it is considered that the site would be in such an unsustainable location that these modest benefits would be more than outweighed. The principle of this element of the development is, therefore, unacceptable.
- 2.15 The applicant has referenced the granted planning application for the Hammill Brickworks site. This site was granted full permission for the change of use and conversion of two engine sheds to six live/work units and outline planning permission for the erection of nineteen dwellings, 2352m² of B1(c) accommodation, the construction of a vehicular access, associated car parking and landscaping, following the demolition of existing buildings and structures, under application number DOV/12/00460. Subsequently, reserved matters applications, under application numbers DOV/14/00642 and DOV/15/00153, were granted in relation to the residential element (phase 4) and the commercial element. Applications have also been submitted for amendments to the approved scheme, pursuant to alterations to the dwellings and the removal of the condition regarding Code for Sustainable Homes. An application has also been submitted to vary the live/work units to dwellings, which has not been determined at this time. Whilst this site provides some context for the current application, it presented a different proposition and was approved by Members on the grounds that "the economic and environmental benefits outweigh the departure from the Development Plan". The facts of the current application differ from those of the Hammill Brickworks site. In particular, the Hammill Brickworks application proposed a significant amount of business space (2352sqm of Use Class B1 floor space), the remediation of contamination and the provision of a substantial number of high quality houses, including a contribution for off-site affordable housing. The employment uses proposed at the Hammill Brickworks site would provide an

estimated 86 full time equivalent jobs. In comparison, the current application would provide only very limited economic benefits, through the provision of holiday let accommodation and during the construction phase. The number of jobs which would be created by the development has been estimated as 1 full time job, whilst it has also been confirmed that the existing stable use also provides 1 full time job. As such, the development would not produce any additional employment. Whilst the site has some potential for contamination, it is not considered that the benefits of remediation would be as beneficial as the remediation of the Hammill Brickworks site. Furthermore, the development would contribute three dwellings to the Districts supply of housing, in comparison to the thirty five dwellings at the Hammill Brickworks site. As such, it is not considered that the current scheme would provide comparable benefits to those delivered by the Hammill Brickworks application, and which were attributed significant weight by Members and therefore, whilst the two sites are relatively close, the current application must be considered on its own merits.

Character and Appearance

- 2.16 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.17 Whilst the topography of the area is relatively flat, the site is well secluded within the broader landscape, due to the hedges and trees around the perimeter of the site and the prevalence of hedges to the sides of roads. The site would, however, be highly visible along a stretch of Selson Lane from its junction with Hammill Road to the south western boundary of the site, with views ranging in distance from between 195m and 8m respectively. Having regard for the general seclusion of the site and the lack of views of the site in the wider landscape, it is not considered that the development would harm any important views, or the character of the surrounding landscape. Whilst the site is not particularly prominent, attention must be paid to the visual impact, and the quality of the design of the development, in closer views.
- 2.18 The development would retain a loose courtyard plan, similar to the existing layout and the historic layout visible on 1872 to 1894 Ordnance Survey Plan. It is considered that this layout is appropriate for the location of the site, being a common layout found within this part of Kent. The layout would retain the courtyard to the centre of the site, together with the pond, to provide a degree of separation between the building and a sense of spaciousness to the development.
- 2.19 The largest building, which would contain units 1 and 2, would measure almost 28m long by 13m wide and would have an eaves height of 2.8m rising to a ridge of 10m. Unit 3, whilst smaller, would also be substantial, measuring around 14.5m long by 9.5m wide and having an eaves height of 2.4m rising to an 8m high ridge. The extension of the existing 'Danish Piggery', would measure around 28m long by 6.6m wide and would have an eaves height of 2.2m rising to a 4m high ridge. Whilst these buildings are substantial, particularly Units 1 and 2, it is considered that this scale is consistent with the scale of farmsteads within the locality and would not appear incongruous or

overly prominent. Furthermore, having regard to the layout, it is not considered that the amount of development would appear unduly cramped.

- 2.20 The detailed design of the scheme has been informed by an Assessment of Significance and a Design Report. In turn, these reports have considered both local and national guidance together with historic photos of the site to inform the design of the buildings. The two new 'barns' are of similar proportions and design as the two barns which stood on the site until the mid to late C20th. Both of these buildings incorporate largely timber weatherboarded buildings over a brick plinth. The roof of the buildings would have low eaves, incorporating exposed rafter feet, rising to a high ridge, producing prominent roofs, archetypal of rural buildings within Kent. The buildings, following amendments, provide minimal window openings, providing a reasonable balance between providing adequate light and ventilation to occupants, whilst reducing the domesticity to the buildings appearance. The windows themselves would be well proportioned and constructed of timber.
- 2.21 The larger of the two new barns also includes a mock cart entrance/threshing bay. Whilst this element would provide a large window serving Unit 2, and would thus provide the impression of the residential use, it is considered that this feature adds interest to the building and effectively breaks up the prominent south western elevation. For these reasons, it is considered that the buildings are reasonable reproductions, externally, of traditional Kent barns.
- 2.22 The extension to the existing 'Danish Piggery' would be designed to complement the design of the existing building and, like the new buildings, would retain a rural character.
- 2.23 The development of the site would, necessarily, result in buildings which would be appreciably domestic in appearance and, as such, the development would undoubtedly urbanise the character of the site, contrary to the objectives of the countryside protection policies. However, it is considered that this urbanisation has been limited through the design of the buildings.
- 2.24 The proposed materials to be used in the construction of the development, subject to the submission of acceptable samples, respond positively to the materials found within rural building, including a mixture of brick, black weatherboarding, Kent Peg tiles and natural slates.
- 2.25 Concern has been raised that the two proposed barns which previously existed on the site were thatched and, therefore, the two new buildings, which have been located and designed to mimic these historic buildings, should also be thatched. Whilst thatching these buildings would add to their character, the application must be considered on its merits, as submitted. In this instance, the use of Kent Peg tiles has been found to be acceptable and, as such, it would be unreasonable to require that the scheme be amended to include thatched roofs.
- 2.26 The site presents limited opportunities for new landscaping due to the desire to retain a strong sense of openness to the courtyard in keeping with the farmyard character. A new 1.8m high wall is proposed adjacent to the south western boundary of the site, to provide privacy to the gardens of Units 1 and 2. This wall would also provide the added benefit of concealing some of the domestic paraphernalia within the gardens and ground floor of those properties. Whilst this wall would reduce the openness of the frontage of the

site, it is considered that this loss does not cause significant harm. Behind this wall three trees are proposed, which would, to a small degree soften the appearance of the building and, over time, allow the development to sit more comfortably within its setting. A hedge around the other perimeters of the site would have a similar effect in other views. Within the courtyard, several new trees and hedges are proposed; however, this vegetation has been kept to a minimum to ensure that the courtyard retains an open, communal character. It is considered that this level of planting provides an appropriate balance between softening the appearance of the development whilst retaining openness.

2.27 As mentioned within the principle section of this report, paragraph 55 of the NPPF provides four special circumstances where residential development in the rural area may be permitted. The fourth of these special circumstances applies to development which would display “exceptional quality or innovative nature of the design of the dwelling”. In order to fulfil this criterion the design should meet four separate criteria, namely:

- 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.

Any development seeking to meet this standard would need to be supported by a robust and rigorous demonstration of how the development would achieve each of the four points required under the fourth criterion.

2.28 Whilst the design of the building is considered to be broadly acceptable, causing no significant harm, it is not considered that the development would significantly enhance the character of the area. The building designs mimic traditional barn design, but does not provide the significant enhancement of the character of the area or the standards of design required to meet this exceptional circumstance. As discussed previously, whilst the applicant contends that the development would be constructed sustainably, no evidence has been submitted to support this claim, whilst the Code for Sustainable Homes, referred to by the applicant, has been withdrawn. It is therefore concluded that the development would not be truly outstanding or innovative and would not help to raise the standards of design more generally in rural areas, nor would it reflect the highest standards in architecture. Whilst the development would provide a modest enhancement to the aesthetic of the site, the development would not ‘significantly’ enhance the immediate setting of the site. For these reasons, it is concluded that the fourth exceptional circumstance has not been fulfilled.

2.29 To conclude, whilst the development would cause no significant harm to the character of the countryside or the landscape, the development is not considered to be of exceptional quality or innovative and does not, therefore, meet the high bar required to meet the fourth exceptional circumstance where isolated residential development may be permitted in the countryside, having regard to paragraph 55 of the NPPF.

Heritage

- 2.30 As outlined in the 'Site' section of this report, the development is adjacent to a listed building, Denne Court Farm which is Grade II Listed. In accordance with of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset, whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.31 The application site and Denne Court Farm originally formed a conjoined farmstead, which included the farmhouse and several brick and timber barns and outbuildings arranged in a loose courtyard plan. Within the central courtyard is a small pond. The larger barns on the site were replaced in the mid C20th with barns of a more utilitarian appearance; however, the brick build 'Danish Piggery' and pond survive. The 'Danish Piggery' is curtilage listed.
- 2.32 The 'Danish Piggery', whilst of little architectural merit, does have some historic interest and, together with the pond, provides an insight as to the historic setting of the farmhouse. However, the application site and the curtilage of Denne Court Farm are now functionally and visually separated from each other.
- 2.33 The proposal would retain the 'Danish Piggery' and the pond, but would replace the C20th barns with barns of a more traditional design. Whilst, aesthetically, the proposed barns would be more pleasing than the existing barns, it is not considered that they would provide any meaningful enhancement to the setting of Denne Court Farmhouse. The buildings are designed to be dwellings and will subsequently, and necessarily, have domestic qualities which would detract from the integrity of the development. Whilst the domesticity of the buildings has been reduced, through the provision of boundary walls around gardens and the reduction in the number of roof lights provided within the most prominent roof slopes, the development would remain intrinsically, and noticeably, residential. Furthermore, as the site is visually separated from Denne Court Farm, the development would have little impact on the setting of the Listed Building. As such, whilst the development would not cause any harm to the significance of Denne Court Farm, it would not provide any enhancement either.
- 2.34 The development would include the reuse of the 'Danish Piggery', providing a viable long term use of that building. The works to this building would cause no harm to its significance, as established by the recent grant of listed building consent.
- 2.35 Whilst there are other listed buildings in the vicinity of the site, they are a significant distance from the site and, as such, these buildings, or their settings, would not be harmed by the development.
- 2.36 There have been numerous finds within the vicinity of the site, particularly within the fields to the north of the site. The site is also adjacent to Denne Court Farm, which dates from the C17th and is known to be a Manorial Site. Given this context, it is considered that there is a reasonable likelihood that non-designated heritage assets of archaeological interest may be present at

the site. As such, should permission be granted, it is recommended that a condition be attached requiring a programme of archaeological works.

Impact on Residential Amenity

- 2.37 The only property within the vicinity of the proposed development is Denne Court Farm. At present, the closest building to Denne Court Farm is the existing barn on site, which is labelled 'Barn 2' on the existing site plan. This barn, which is to be replaced by Units 1 and 2, lies approximately 19m from the western corner of Denne Court Farm and has an eaves height of 4.3m rising to a ridge of 6.5m. The building which would replace the existing 'Barn 2' would equally be sited around 19m from the closest point of Denne court Farm, but would have a lower eaves of 2.8m rising to a higher ridge of 10m. Having regard to the separation distance and relationship between the Units 1 and 2 and Denne Court Farm, it is not considered that any harm would be caused to the living conditions of the later, whilst the impact would be comparable to the existing situation. Additionally, it is not considered that any windows or roof lights would give rise to an unacceptable degree of overlooking. The other proposed buildings are significantly further away from Denne Court Farm and would not cause an unacceptable loss of light, sense of enclosure or overlooking. Notwithstanding these conclusions, substantial vegetation is present between the site and Denne Court Farm, which provides some screening, although such vegetation cannot be relied upon in perpetuity and can therefore be given little weight.
- 2.38 Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any other properties would be harmed by the development.
- 2.39 Each dwelling would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable

Impact on the Local Highway Network

- 2.40 The existing site is currently used as livery stables, which provides fields for grazing and exercise and a sand school. It is considered that the proposed development would be unlikely to significantly increase the number of vehicle movements to and from the site.
- 2.41 The proposal would reuse the existing vehicular access point onto Selson Lane. This access would be of sufficient width to allow two vehicles to pass each other, ensuring that vehicles do not need to wait on the highway, maintaining the free flow of traffic. Whilst boundary walls are proposed along the frontage, which is currently open, the location of the walls has been amended during the application to propose visibility splays of 33m by 2m by 33m, providing adequate visibility for vehicles exiting the site.
- 2.42 The development includes car parking for nine cars, although the central courtyard is of sufficient size for additional parking. Within this rural location Table 1.1 of the Core Strategy advises that the development should provide approximately 12 car parking spaces; however, it must be noted that this table is for guidance only, whilst Policy DM13 states that parking provision should be a design led process. Whilst the proposal falls below the provision suggested by Table 1.1, it is considered that minimal parking in this rural

location is the correct response, in order to limit the impact on the character of the development. Furthermore, the site includes areas where additional informal car parking could take place without being overly prominent.

- 2.43 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom. The development would provide 18 bedrooms in total and, as such, cycle parking for 18 cycles is required. The applicant has confirmed that he would be happy to accept a condition requiring the provision of 18 secure, covered cycle parking spaces, following the submission and approval of details.

Ecology

- 2.44 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.45 It is considered that the methodology and findings of the ecological report are acceptable. This report concludes that there are no signs of, or potential for amphibians, reptiles, Hazel Dormice or Badgers and negligible potential for bats. Whilst the site does have a high potential to provide habitat for breeding birds, the development can avoid any potential harm through the undertaking of works outside of the breeding bird season or the inspection of buildings and vegetation by a qualified ecologist at the time of the development. The development would not, therefore, cause any harm to habitats or species, subject to safeguarding conditions.
- 2.46 Should permission be granted, in accordance with paragraph 118 of the NPPF, ecological enhancements should be sought. In this instance, provision for bat roosting and sparrow 'terraces', as suggested within the ecological report, are considered to be appropriate and can be secured by condition, should permission be granted.

Contamination

- 2.47 The site is not listed as having a high potential for contamination, however, the submitted contaminated land assessment identifies that the site may include contaminants. A contaminated land report has been submitted by the applicant that assesses the likelihood of contamination being present on site and what impact it would have on future occupiers and the environment. The report identifies that the site has previously been used for agricultural purposes, whilst the construction of some of the existing buildings may include asbestos containing materials. Reference is also made to a tank being located on the site. Having regard for the findings of the report, whilst the likelihood of significant levels of contamination is relatively low, it would be proportionate to require that a scheme to deal with contamination of land and groundwater be submitted, following further site investigations, to eliminate any doubt of chronic exposure in relation to the permanent residential properties.
- 2.48 The site lies within Groundwater Source Protection Zone (GWPZ) 1, where potential sources of contamination to groundwater would have the most significant impact. Within this zone, certain types of development will not normally be permitted, including septic tanks, activities which involve the disposal of liquid waste to land and sustainable urban drainage systems,

unless adequate safeguards against possible contamination are provided. The Environment Agency raised concerns with the development, as originally submitted, due to the use of non-mains foul drainage, whilst insufficient information had been submitted to demonstrate that the risk of pollution to controlled waters would be acceptable. Subsequently, the applicant has submitted a Foul Drainage Assessment and a contaminated land report. The report recommends that the septic tank, originally proposed, be replaced by a package sewage treatment plant which subsequently pumps the effluent to a drainage field in GWPZ2. Following the amendment of the application to propose a package sewage treatment plant, the Environment Agency have withdrawn their objection, subject to conditions requiring: the submission of the details of further investigation and remediation of the site; additional identification and remediation should previously unidentified contamination be identified; the submission of details of any infiltration of surface water for approval; and the development being carried out in accordance with the submitted non-mains drainage details.

- 2.49 The environmental benefits of the development at the Hammill Brickworks site were an important factor in the approval of that application and it is appropriate to consider whether the current scheme would provide similar benefits. The south western portion of the Hammill Brickworks site was identified as having significant concentrations of contamination present, whilst fuel storage areas were also of concern. As such, it was established that the site posed a risk to human health and controlled waters. The site was included on a list of priority cases where contamination is an issue, being priority 218 on a list of 398 sites. Some leeching of contamination had been identified. Whilst the current application site also has some potential for contaminants, the risk is relatively low, as confirmed by the submitted contaminated land report. The development would not, therefore, produce benefits, in terms of remediation of contamination, comparable to the benefits provided by the development at Hammill Brickworks.

Other Matters

- 2.50 The Government have recently published a document titled 'Towards a one nation economy: A 10-point plan for boosting productivity in rural areas'. Whilst this document, which was produced by DEFRA, does not have any weight in decision making, it does indicate the Government's intention in relation to development in the rural area. Point 8 of the 10 point plan seeks to "increase the availability of housing in rural areas, allowing rural towns and villages to thrive, whilst protecting the Green Belt and countryside". As part of these plans, the Government intends to: allow any village the freedom to expand in an incremental way, subject to local agreement; make it easier for villages to establish neighbourhood plans and allocate land for new homes; and review the current threshold for agricultural buildings to convert to residential buildings. It is not considered that any of the proposed changes would provide any significant support for the current proposal and do not add to the case to case to grant permission.

Sustainability Overview

- 2.51 Sustainability is defined in the NPPF, at paragraph six as paragraphs 18 to 219 of the NPPF, taken as a whole. However, the assessment of sustainability can be separated into three dimensions: economic, social and environmental.

- 2.52 The provision of three holiday lets would provide a modest economic role to that part of the development; however, this must be balanced against the loss of the existing stables which also provide an economic role. Whilst the dwellings would not provide a substantive economic benefit in the long term, both elements of the proposal would provide a short term economic benefit during the construction phase.
- 2.53 With regards to the social role, the development would provide three additional dwellings which would contribute towards the Districts need for housing supply. However, this housing would be located where it would have poor accessibility to local facilities and services, contrary to the need to support the health, social and cultural well-being of communities.
- 2.54 Turning to the third role, the development would not support a pattern of development which supports sustainable modes of transport. This location would prioritise unsustainable modes of transport, increasing pollution, and reduce the likelihood of occupants utilising the facilities and services of nearby villages on a day to day basis.
- 2.55 Overall, whilst this is an arguable case which does provide some benefits, the adverse impacts of the development would significantly and demonstrably outweigh these benefits, having regard for the NPPF, read as a whole. In particular, it is considered that the development is contrary to NPPF paragraphs 29, which seeks to facilitate sustainable modes of transport, and 55, which seeks to direct housing in rural areas to locations at settlements and restricts isolated residential development in the countryside. The proposal is not, therefore, considered to constitute sustainable development. Furthermore, as the development is contrary to paragraphs 29 and 55 of the NPPF, which are particularly relevant to this case, the development is contrary to “specific policies” in the NPPF, which “indicate development should be restricted”.

Overall Conclusions

- 2.56 The principle of erecting three dwellings (identified on drawing number 21862A/103 as plots 1, 2 and 3), would be contrary to Core Strategy Policy DM1 and paragraphs 29 and 55 of the NPPF and does not constitute ‘sustainable development’. The principle of the holiday lets (identified on drawing number 21862A/103 as plots 4, 5 and 6) is acceptable, having regard for Policy DM3 and DM4 of the Core Strategy and the NPPF.
- 2.57 Whilst the development would provide some benefits, it is not considered that these benefits are sufficient to outweigh the substantial harm identified. It is therefore recommended that this application is refused permission.

g) **Recommendation**

- I PERMISSION BE REFUSED for the following reason:

(i) The site lies outside of the settlement boundaries, in an isolated rural location, and, as such, the erection of three dwellings represents an unsustainable and inappropriate form of development within the countryside, contrary to Core Strategy Policies DM1 and DM11 and the objectives of paragraphs 29 and 55 of the National Planning Policy Framework.

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