

a) DOV/18/00609– Erection of a building to facilitate dining/kitchen and utility area, The Willow, Beaute Lane, Shatterling, CT3 1JN

Reason for Report: Member call-in on grounds of impact on character and appearance of the countryside.

b) Summary of Recommendation

Planning permission be granted

c) Planning Policy and Guidance

Dover District Core Strategy 2010

- DM1 - Development within the built confines
- DM15 - Protection of the countryside
- DM16 - Protection of the landscape

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 – the three objectives of sustainability
- Paragraph 11 – presumption in favour of sustainable development
- Paragraph 61 – size type and tenure of housing provision for all sections of the community
- Paragraph 127 – seeks high quality design
- Paragraph 170 – decision should contribute to and enhance the natural and local environment where possible.

d) Relevant Planning History

DOV/02/01339 – Retention of extensions to existing mobile home – Granted

DOV/98/00319 – Stationing of three mobile homes – Granted

DOV/95/00494 – Stationing of three mobile homes – Granted

The history of the site is somewhat complex and therefore the above decisions have been broken down for accuracy.

The 1995 permission was to a Mr Lee (different from and unrelated to the current applicant) who was granted permission for the stationing of 3no. mobile homes.

The current applicant, Mr H. Lee, applied to renew this permission (as it was personal to the previous Mr Lee) and was granted permission for the stationing of 3no. caravans. Subsequent to this, extensions were added to one of the caravans.

The 2002 permission allowed for the retention of the extensions to the main caravan and the stationing of 2no. additional caravans. Within the conditions, permission was granted for a dwelling (it was considered that the static caravan with the extensions

was tantamount to a dwelling) but no permitted development rights were removed. The permission was personal to Mr Henry Lee and his immediate family.

e) **Consultees and Third Party Responses**

Staple Parish Council: Raised objections on the grounds that: 1) the building is too big for the approved number of residents on site; 2) concerns regarding materials to be used and drainage and pollution; 3) DDC policy does not stipulate that permanent structures must be provided.

Environmental Health: No concerns were raised.

KCC Archaeology: No comments had been received at the time of the report. However, the site is listed as an archaeological site and therefore an archaeological watching brief would be considered reasonable in this instance.

Third Party Representations: One comment was received neither supporting nor objecting to the application which sought to clarify the agricultural access track to the site from the A257. It was noted that there is no objection to the service block proposed.

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

- 1.1 The site is accessed from Beaute Lane, to the north of the hamlet of Shatterling, off of the A257 between Ash and Wingham. There are a number of residential properties, both to the north and south of the site. The area is characterised by relatively modest dwellings situated within larger open gardens, typical to the rural, countryside location. The majority of dwellings are accessed from the A257 (including an agricultural access lane to the application site) but three other properties apart from the application site are accessed via Beaute Lane; a single lane road.
- 1.2 The application site has an overall area of approximately 2 hectares. There is a lawful dwelling on the site and 3no. caravans (including 1no. tourer). The site is largely rectangular in shape but steps in towards Beaute Lane and behind Shatterling Court Bungalow and is largely enclosed by mature vegetation to all boundaries.
- 1.3 The land slopes up from Beaute Lane for a short distance then levels out across the majority of the site. The driveway, paved in concrete block pavers, is enclosed by a double gate with parking provision for up to 10 no. vehicles to the west side. There is also an agricultural access track which serves Greenacres and over which the land has rights but it is not to be used for any purpose except for agricultural access (this was a condition of the 1995 and 1998 permissions).
- 1.4 The dwelling and caravans are located to the Beaute Lane end of the site and are separated from the rest of the site by a row of pollarded trees. There are a few outbuildings adjacent to the caravans, alongside the western boundary with Shatterling Court Farm which are all used for storage with one which has room for a guest to stay (these outbuildings are immune from enforcement

action - See Section 3.17 for more detail). The outbuildings surround a piece of grassed land above a concrete-lined cesspool.

- 1.5 To the north of the site, there are five paddocks laid out for the keeping of horses enclosed by post and rail fencing but is otherwise open land. A public footpath runs through the northern end of the site (EE148A) which appears to have been diverted around the paddocks towards the northernmost boundary. There are no records of permissions being obtained to divert the public footpath. There is a stable block adjacent to the paddock closest to the stationed caravans (See Section 3.17 for detail).
- 1.6 The proposal is for the erection of a service block which would provide toilet and bathing facilities, utility and laundry facilities and a kitchen/dining area. The building would be connected to the existing cesspit (30,000ltr), sited towards the south-west boundary with Beaute Lane and would measure 16.5m by 8.25m with an eaves height of 2.3m and a ridge height of 5.3m. The ridge height has been amended during the course of the application and was originally submitted at a height of 6.6m. This was considered unjustifiably high for this countryside location and a reduction in height was sought to reduce the visual impact. This amendment was subject to a further period of re-consultation.
- 1.7 The bottom metre of the proposed elevations would be constructed in brick with black timber weatherboarding above. The roof would be clad in blue/black slate. The windows would be double-glazed with timber frames and stained dark brown. There would be two windows on both the north and south elevations. The rear elevation would have three windows, a single door and a set of French doors (to the dining area) whilst the front elevation (facing the driveway) would have 4 no. windows and a single timber door.
- 1.8 Information has been provided in support of the application which outlines the personal circumstances of the applicants. The main issue is the lack of adequate facilities for an on-site family of 12 people, combined with the deteriorating mobility of one of the family members. There is only one caravan with full cooking and bathing facilities; the others have had these removed. The facilities would be shared between the occupants of the site.

2. Main Issues

- Principle of Development
- Personal Circumstances
- Impact on the visual amenity, countryside and landscape
- Impact on residential amenity
- Other matters

3. Assessment

Principle of Development

- 3.1 The application site is beyond the built confines as defined by Policy CP1 of the Core Strategy and is in the countryside for planning purposes. Policy DM1 of the Core Strategy would require any development in the countryside to be ancillary to an existing lawful use of the land or the proposed development functionally requires such a location. The amenity block would be ancillary to the lawful use of the land (a site with a personal permission for

a dwelling and the stationing of 2 no. caravans). The development would provide up-to-date washing, cleaning and living facilities for the occupants of the site. Therefore it is considered that the proposal is Policy DM1 compliant, subject to other material considerations set out below.

- 3.2 Personal Circumstances: The justification given for the size of the proposed building is to meet the needs of the 12 resident family members and to provide disabled washing facilities for a member of the family with mobility difficulties which would appear to be progressively worsening. It is considered that the provision of 3 no. toilets, 3 no. showers and a bathing area would appear to be reasonably justified for 12 people. The utility/laundry room, whilst large, would provide the space for storage, washing and sorting of laundry for the number of residents. The kitchen and dining room would provide a space for the residents to eat together, and the space needed to prepare food for the residents (and an additional 18+ family members when they occasionally visit). These day-to-day needs have proven difficult to manage within the confines of a caravan kitchen and given that the two remaining caravans have had the majority of ablution facilities removed to give more internal space in the caravans without the need for extensions. This family have been lawfully on this site since before 1998 and the applicant has life-long connections to the local area. The applicant's children (now grown with their own families) attended local schools. It is considered that there is sufficient personal justification for the proposed development on this site which, in conjunction with DM1 compliance, would justify the principle of this proposal.

Impact on the visual amenity, countryside and landscape

- 3.3 The existing vehicle access slopes up to the site and provides the only location for public views into the site from Beaute Lane. Given the existing planting and the layout of the site, it is unlikely that the proposed service/utility block would be highly visible to any significant degree.
- 3.4 There may be some private views through the mature vegetation on the boundaries. If possible, it would be from the garden of Shatterling Court Bungalow to the south or from the grounds of Shatterling Court Farmhouse to the west. It is considered however, that these views would be very limited and would be unlikely to result in any visual or residential harm.
- 3.6 The proposed service block would be visible from the public footpath which runs through the north end of the site but this would be at a distance of over 150m and partially obscured by the existing dwelling and stationary caravans and pollarded tree line and would therefore be seen in the context of the mature vegetation behind (on the boundary with Shatterling Court Bungalow).
- 3.7 DM15 of the DDC Core Strategy would permit development which could adversely affect the character and appearance of the countryside provided it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats. The service block functionally requires a site in close proximity to the existing dwelling and caravans and the site chosen is a grassed area currently used as a lawn/amenity space which is unlikely to provide any habitat. It is acknowledged that the proposal would result in some additional visual clutter to the site through the provision of a permanent structure, but this is not considered likely to result in detrimental harm to the countryside. Apart from the public footpath, there would be no wider views

into the site from the surrounding countryside given the density of mature vegetation to all boundaries and the siting of the service block, beyond a tree line and the existing caravans on site, largely mitigates the views from the footpath. As such, it is considered that the proposal would be Policy DM15 compliant.

- 3.8 DDC Core Strategy Policy DM16 permits development which could result in harm to the character of the landscape provided the development can be sited to avoid or reduce the harm or mitigate the impacts to an acceptable level. This site is not within a protected area, although it is within an impact risk zone around a SSSI. Views from the protected land would be negligible and the siting of the proposed service block, adjacent to the built form of the village along with the screening to the east, west and south by mature vegetation and largely screened from the north by the existing caravans and tree line, would be likely to mitigate any undue harm to the character or appearance of the wider landscape. The proposal is considered to be compliant with Policy DM16.
- 3.9 It is considered therefore that the erection of a service block of the design and scale proposed would not be likely to result in any undue harm to the visual amenity, street scene, countryside or landscape and would be compliant with the National Planning Policy Framework, specifically Paragraphs 61, 127 and 170 and Core Strategy policies identified above.

Impact on residential amenity

- 3.10 The nearest residential neighbours measured from the nearest point of the proposed service block to the boundary or dwelling are:
- Greenacres to the east- 65m to the shared boundary and 140m to the dwelling;
 - Shatterling House to the south-east – 25m to the shared boundary and 95m to the dwelling;
 - Shatterling Court Bungalow to the south – 3m to the shared boundary and 25m to the dwelling;
 - Shatterling Court Farmhouse to the west- 25m to the shared boundary and 75m to the dwelling.
- 3.11 As noted previously, the site is largely enclosed to all boundaries by mature vegetation which for the most part obscures any views between the application site and any neighbouring dwellings and their gardens.
- 3.12 The proposed service block would have windows or doors to each of the four elevations; it is considered that both the distances and the vegetative screening would be likely to mitigate against any residential amenity concerns to Greenacres, Shatterling House and Shatterling Court Farmhouse and their associated gardens.
- 3.13 There would be windows in the south elevation in close proximity to the shared boundary however, this boundary is very well screened and any views would be largely mitigated by the existing landscaping. If any views were possible, they would be of the driveway to the neighbouring dwelling and at a very oblique angle to the neighbouring dwelling.

- 3.14 Therefore the proposed service block would be unlikely to raise any amenity concerns and would not lead to a loss of outlook, loss of light or have an overbearing impact or result in interlooking to any neighbouring property. It is considered therefore that it would be unlikely to cause any undue harm to the residential amenities of any neighbouring dwellings, and as such the proposal would be compliant with the National Planning Policy Framework in this regard.

Other Matters

- 3.15 There are unlikely to be any highways implications related to this development as this proposal does not propose any extra pitches or stationed caravans on the land.
- 3.16 It is noted that planning enforcement conducted investigations on this site in relation to possible breaches of planning legislation. These, whilst related to the site as a whole, did not have any direct bearing on the determination of this planning application which, as illustrated above, is considered justified in planning terms.
- 3.17 The applicants, as granted under the 2002 permission, were allowed a dwelling and to station 2 no. caravans on the site. No other buildings or structures were included in the application or the permission. As such, the existing 4 no. storage outbuildings, the stables, touring caravan, paddocks and fencing, were erected without the benefit of planning permission. However, based on historic aerial photographs, the buildings have all on the site for more than 4 years. The aerial photographs also show evidence of the keeping of horses on this site for more than 10 years; with established paddocks in the 2008 aerial photo. The structures and horse keeping use would now be immune from enforcement action through the passage of time. This also holds true for the touring caravan which has been on site for many years.

Conclusions

- 3.18 It is considered that the proposed service block would be unlikely to result in undue harm to the visual amenity or street scene of the area nor to the character of the countryside or the scenic beauty of the landscape and would be compliant with Paragraphs 127 and 170 of the National Planning Policy Framework (2018) and DM1, DM15 and DM16 of the Core Strategy (2010).
- 3.19 It is considered that the proposed service block would also be unlikely to result in any undue harm to the residential amenities of the adjacent dwellings and would comply with Paragraph 127 of the National Planning Policy Framework (2018).
- 3.20 On balance, the proposal is considered a sustainable form of development and along with the personal circumstances and justification for the application is considered to be compliant with the National Planning Policy Framework (2018). It is therefore concluded that planning permission should be granted with conditions.

g) Recommendation

- I Planning Permission BE GRANTED subject to the following conditions:
 - 1) 3 year time commencement; 2) in accordance with approved plans; 3) material samples to be submitted; 4) no business use at any time; 5) sole use of Mr Henry Lee and immediate family
- 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