

a) DOV/19/00106 - Erection of a detached dwelling with associated parking - Land adjacent to St Mary's Grove Cottage, St Mary's Grove, Tilmanstone

Reason for report: At request of Cllr Manion

b) Summary of Recommendation

Planning permission be REFUSED.

c) Planning Policies and Guidance

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1-The location and scale of development in the District must comply with the Settlement Hierarchy. Tilmanstone is identified as a hamlet and not suitable for further development unless it functionally requires a rural location.
- 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.
- DM11-Development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures to satisfy demand to maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.

National Planning Policy Framework 2018 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable

development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.
- Chapter five 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.
- Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Paragraphs 184, 185, 189, 190, 192 and 193 relate to the determination of planning applications in relation to the historic environment and heritage assets.

The Kent Design Guide

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66 states that “In considering whether to grant planning permission for development which affects a Listed Building, special regard should be had to the desirability of preserving the building or its setting.”

Section 72(1) states that “In the exercise, with respect to any building or land in a Conservation Area, of any powers under any of the provisions mentioned in subsection (2), **special attention** shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

d) Relevant Planning History

DOV/04/00747 Erection of a covered swimming pool - refused

e) Consultee and Third Party Responses

Parish Council

No representations received at the time of preparing the report.

Southern Water

There are no public foul and surface water sewers in the vicinity and the applicant is advised to examine alternative means of foul and surface water sewage disposal. The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The Council’s Building Control Officers should be asked to comment on the adequacy of soakaways to dispose of surface water. Any sewer found crossing the site during construction works will require investigation to ascertain its condition.

County Archaeologist

Notes that the submitted Heritage Statement does not consider the archaeological impact of the proposal. It is noted that Tilmanstone is located in an archaeological landscape that is generally rich in archaeological remains. The Kent Historic Environment Record notes that Roman pottery has previously been found within the village churchyard, whilst Roman archaeological remains are also recorded around 50m to the north east of the proposed site. It is possible that the proposed development may affect remains of archaeological interest and it is recommended that if planning permission is granted, provision is made for a programme of archaeological work.

KCC Highways

The Highways Engineer would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicle access which would become a shared driveway for both dwellings. The use of the access by one additional dwelling would not have a detrimental impact on highway safety.

KCC PROW

Notes that PROW EE266 passes along North Court Lane and adjacent to the proposed site which is a material consideration. No objections are raised to the proposal but safeguarding Informatives are recommended in the event that planning permission is granted.

Environmental Health

If development is carried out and contamination is found then it shall be reported immediately to the Local Planning Authority and a remediation scheme shall be prepared.

Heritage Officer

The proposed building would not be widely visible from public view points and views within the Conservation Area including from the church yard. Confirmation has been received that there is sufficient separation between the existing Listed Building and the proposed dwelling that the setting would not be harmed. If a recommendation for approval is taken forward then it is suggested that Permitted Development rights are removed to ensure a quality building. Relevant conditions would also be required covering external materials, eaves details, flues, meter boxes etc.

Natural Environment Officer

The Ecological Appraisal has been reviewed and no concerns raised. Any permission should adopt the recommendations for biodiversity net gain.

Third Party Representations

A total of 8 representations have been received. Of these 6 are in support and 2 raise objections. Those in support make the following comments:

- The proposed dwelling would be in sympathy with the surrounding architecture and local environment. A barn style home would be no more harmful to the area than a barn that could be erected on the adjoining field.
- The proposal would meet the policies for sustainable homes.
- St Marys Grove Cottage is a small Listed Building that is unsuitable for a person with disabilities. This is a much needed Lifetime Home.
- The surrounding garden would be attractive and wildlife friendly.
- The development adjoins the Conservation Area and can be seen from the church.

Those against the proposal make the following comments:

- The proposal would involve the creation of a separate dwelling and would encourage other similar schemes in gardens within Tilmanstone, creating a precedent for other sites within the Conservation Area.
- Lack of facilities such as shop, school, surgery etc.
- Proposal would add to poor air quality.
- There are enough new houses locally.

f) 1. Site and Proposal

- 1.1 St Marys Grove Cottage is a detached dwelling and grade II Listed Building situated on the north side of St Marys Grove at its junction with North Court Lane on the edge of the hamlet of Tilmanstone and adjoining open countryside. It is described as dating from the late 17th century, being single storey with attic room, shaped gabled roof, two gabled dormers and a contemporary rear wing. The property falls within the Conservation Area and also lies in an Area of Archaeological Potential.
- 1.2 The property is situated adjacent to the southern boundary of the site and reached via a vehicle access leading from North Court Lane. To the rear of the dwelling is a detached building that is used for ancillary residential accommodation. There are also various sheds and stores within the garden that are incidental to the enjoyment of the dwelling.
- 1.3 St Marys Grove Cottage benefits from a large residential curtilage that extends to the north which is primarily maintained as a grass meadow. The dwelling is adjoined by undulating agricultural land.
- 1.4 The application relates to the northern half of the site which comprises generally flat land that is laid to rough grassland with some mown paths within it. There is a small summer house towards the rear of the application site and a mix of tree and shrub planting of various ages around the boundaries. The land appears to be part of the residential curtilage based on planning history and from photographic evidence. It would appear that it has been used in this way for around 15 years. The application site has a frontage to North Court Lane of approximately 33m and a depth of 42m.
- 1.5 Tilmanstone is identified on the Local Plan map as a hamlet. No confines are defined due to the category of the settlement. In the immediate vicinity are several other older dwellings that are also Listed Buildings, as is the nearby Grade I listed St Andrews Church.
- 1.6 Full planning permission is sought to sub divide the plot and erect a detached three bedroom L-shaped dwelling to be sited roughly centrally within the proposed plot.
- 1.7 The proposed house would comprise a living area and kitchen, utility room, porch/WC, en suite bedroom and hobbies room on the ground floor. A lift would provide access to the first floor which would accommodate two further en suite bedrooms.
- 1.8 The proposed dwelling would be of a contemporary design and is described as a "Lifetime Home" that would incorporate features which would add to the comfort and convenience of the occupants whilst supporting their changing needs.
- 1.9 The building is designed with a slightly higher pitched roof section at the rear, positioned parallel with the frontage of the site and a second ridged roof section projecting forwards at right angles. The dwelling would be finished in grey metal profile sheeting to the walls and roof with grey aluminium framed windows. The rear section would incorporate roof lights and solar panels on the eastern elevation.

- 1.10 The proposed dwelling would be reached via the existing access which would be shared for the first section with St Marys Grove Cottage. A new driveway would then lead in front of the proposed dwelling towards two parking spaces adjacent to the northern boundary of the plot. Sufficient access and parking space would remain within the curtilage for the occupants of St Marys Cottage.

2. **Main Issues**

The main issues are:

- The principle of the development.
- The impact on the character and appearance of the Conservation Area and setting of the Listed Building.
- The impact on the adjoining countryside
- The impact on residential amenity.
- The impact on the highway network.
- The impact on ecology.

Assessment

Principle of Development

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 Also, policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that 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.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocations Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. However, some weight should still be applied to Policies CP1 and DM1 of the Core Strategy.
- 2.4 Under policy CP1 of the Core Strategy Tilmanstone is identified as a hamlet. No village confines are applied to this category of settlement, which are not considered suitable for further development unless a rural location is functionally required. The proposed dwelling in this instance does not functionally require a rural location and would not be ancillary to any existing development. Policy DM1 presumes against development in such a location (beyond settlement confines) and circumstances unless justified by other development plan policies, none of which apply here. The proposal is therefore contrary to policies CP1 and DM1.

- 2.5 Policy DM11 seeks to manage travel demand and states that development that would generate travel will not be permitted outside rural settlement confines unless justified by development plan policies. There are no other policies which support the principle of the development and as such the proposal is also contrary to policy DM11.
- 2.6 In recent times the Council has not been able to demonstrate a five year housing land supply. In March 2019 however an Annual Monitoring Report concluded that the Council now has an available 5 year supply of housing land.
- 2.7 Regard will be had in this report to whether there are any material considerations which indicate that permission should exceptionally be granted contrary to the Development Plan.

Impact on Character and Appearance of the Area

Character of the Area

- 2.8 Tilmanstone is a fairly well spread out settlement with many houses adjoining the back edge of the highway. The size and shape of plots vary, as well as the scale and nature of the residential properties. The rear boundaries of many plots adjoin open countryside or agricultural land. The surrounding countryside is undulating with quite far reaching views across fields.
- 2.9 St Marys Grove Cottage lies at the edge of the hamlet and the Conservation Area. The built development in the vicinity is quite sparse and the application site is adjoined by farm land to the north and east. This relationship has a strong impact on the special character of the Conservation Area and makes a significant contribution to the setting of this Listed Building.

Impact on Conservation Area and Listed Building

- 2.10 Paragraph 193 of the NPPF advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 require "special regard" and "special attention" to be paid to the desirability of preserving Listed Buildings and Conservation Areas.
- 2.11 The proposal would involve the introduction of a three bedroom dwelling with an L-shaped footprint and some accommodation at first floor level. The building would be designed with a steeply pitched roof and would be constructed of grey metal profile sheeting to the walls and roof. The dwelling is said to be in the style of a barn and would incorporate high levels of thermal insulation, grey water harvesting, solar panels and sustainable materials.
- 2.12 It is necessary to have regard to any impact of the dwelling on the setting of the listed building, St Marys Grove Cottage and its particular heritage assets. St Marys Grove Cottage is an historic, well maintained property positioned adjacent to the southern boundary of the plot. It is considered that there would be sufficient separation distance between the existing and proposed dwellings such as to avoid harm to the setting of the historic Listed Building. It is

concluded that the proposal would not result in a harmful alteration to the setting of the listed building and the significance of St Marys Grove Cottage as a listed building would not be lost with the subdivision of the plot. The Heritage Officer has confirmed that no objections are raised and that there would be sufficient separation between the existing listed building and the proposed dwelling.

- 2.13 In addition to the relationship with the host dwelling it is also necessary to have regard to the impact on the special character of the Conservation Area. It is acknowledged that the site can be glimpsed from various viewpoints when travelling through the hamlet on foot or by car. The proposed dwelling would be sited over 80m away from the listed church and its grounds to the south west and is well separated from it by North Court Lane, established hedging and some mature trees. Whilst it may be possible to view the site from the church yard, the proposed dwelling would not be seen in context with the church and will not affect its setting.
- 2.14 The proposed dwelling would clearly be in a contrasting design to that of St Marys Grove Cottage but would have reference to a rural building by reason of its design and external materials. The dwelling would be reached via the existing driveway avoiding the need for the creation of a new access and opening up of the site frontage, which could start to erode the rural character. The chosen design of the house and location within the site would not be harmful to the particular character of this part of the Conservation Area.

Impact on Countryside

- 2.15 The application site does not fall within any designated landscape and is accessed from a no through road. Whilst North Court Lane has limited vehicle use, it is also classed as a Public Right of Way and is available for use by pedestrians. The application site can be viewed from a distance or close up when using the Public Right of Way along North Court Lane.
- 2.16 The proposed dwelling would be sited on the edge of the hamlet, adjacent to undeveloped agricultural land. When travelling south along North Court Lane the proposed dwelling would (along with various other dwellings) be visible at a distance, but would be partly screened by some existing landscaping.
- 2.17 St Marys Grove Cottage is set well away from the northern boundary of the site and is separated from the countryside by its large garden and some boundary planting. It is generally seen as occupying a spacious plot and the garden provides a softer edge as it adjoins the undeveloped farmland beyond. The proposal would clearly introduce a dwelling of more contemporary design closer to the open undeveloped countryside to the north, in effect extending built development in a location where the character is open with views across the site dominated by an open rural landscape. The proposal would therefore be detrimental to its current rural character at this very sensitive edge of hamlet location. It is concluded that the proposed dwelling would be detrimental to the currently open landscape character and nature of the countryside, contrary to the aims of policies DM15 and DM16.

History

- 2.18 Planning permission was refused for a detached single storey building accommodating a swimming pool under application reference number DOV/04/00747. The submitted drawing showed a ridged roofed building situated towards the front of the application site. The proposal was refused for the following reasons:

“1. The construction of the proposed building would result in an isolated and sporadic form of development in the countryside. Accordingly it would be directly contrary to Policies ENV1 and RS5 of the Kent Structure Plan and policies C01 and DD8 of the Dover District Local Plan.

2. The proposed building, by virtue of its appearance, size, bulk and position would have a detrimental impact on the special character of the Tilmanstone Conservation Area and the setting of St Mary's Grove Cottage, a Grade II Listed Building. Accordingly it is contrary to the provisions of the Development Plan, in particular the Kent Structure Plan policies RS1, ENV17 and ENV19 and the Dover District Local Plan Policies DD1, DD8, HE2 and HE4. “

- 2.19 At that time it was noted that the proposed building (measuring 12x 7m) was large and would detract from the setting of the Listed Building. In particular the design of the building, despite having weatherboard cladding and clay tiles roof was considered to be modern and out of keeping with this rural fringe location. The scale of the building was also considered to be large in comparison to the more modest scale of the dwelling and would be visually prominent, detrimental to the rural setting of the cottage. Overall the structure was considered to be incongruous within this location.
- 2.20 This application, whilst somewhat historic, provides a useful background for how previous proposals were viewed on this site.

Impact on Residential Amenity

- 2.21 The proposed dwelling would be sited approximately 32m away from the nearest point of the host dwelling and 22m away from the ancillary residential outbuilding. Due to this satisfactory separation distance there would be no direct overlooking or loss of privacy such as to impact on the residential amenities of the occupants of either the existing or proposed dwellings.

Highways Impacts and Sustainable Travel

- 2.22 KCC Highways would not normally comment on a proposal of this scale. The proposed development would make use of an existing vehicular access associated with St Marys Grove Cottage. The use of this drive by one additional dwelling would not have an unduly harmful impact on the number of vehicles accessing North Court Lane. A satisfactory number of off street parking spaces and manoeuvring areas would be provided for the occupants of the existing and proposed dwellings in accordance with the requirements of policy DM13.
- 2.23 It is accepted that although the site is not in an isolated location there are not many amenities within the hamlet of Tilmanstone. The site does have good connections to the highway network. The A256 is located around 500m to the east of the site which connects Whitfield and Dover to Sandwich and Thanet to the north. The future occupier of the proposed dwelling would be heavily reliant on the use of a car, which would promote travel which is not sustainable.

- 2.24 It is understood that Tilmanstone is served by four bus routes, most of which offer a limited week day service and meet the needs of children going to school in Dover or Sandwich. As a consequence of the limited bus service it is considered that the proposal would increase travel demand by non-sustainable modes of travel, contrary to the objective of policy DM11.

Ecological Scoping Survey

- 2.25 The application site comprises garden land. The submitted Scoping Survey revealed that there were no unusual, uncommon or protected species at the site. The peripheral hedgerow habitat was a common one but has been modified over the years by gardening activities such as the addition of non-native species. The development proposals for the survey site will not affect the nearby designated sites, except for potentially increasing the footfall within all of them. No potential bird breeding habitat should be cleared between late March to the end of July inclusive.
- 2.26 It is strongly recommended that to provide some positive ecological benefits some wildlife conservation measures and mitigation should be incorporated into the proposal, such as the provision of bird boxes, bee nest boxes, native species landscaping etc.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.27 The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

The following appropriate assessment has been undertaken on that basis.

- 2.28 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.29 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.30 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.31 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.32 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and

Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.

Archaeology

- 2.33 The site lies in an area with archaeological potential. Given the scale of the proposed development, it is considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest. Consequently, it is considered that it would be reasonable to require an archaeological watching brief in the event that planning permission is granted.

Drainage

- 2.34 Southern Water advise that an alternative means of disposing of foul water will be required as there are no public foul and surface water sewers. This matter can be covered via a safeguarding condition and informative in the event that planning permission is granted.

Overview

- 2.35 It is understood that the applicants have lived in the village for a while and wish to remain in Tilmanstone. St Marys Grove Cottage is no longer said to be suitable due to the applicants' personal health issues. The concerns and wishes of the applicants are completely understood and the Council is sympathetic to their preferences. In planning terms however it is necessary to consider the wider and longer term policy implications of the proposal rather than the immediate requirements of the current occupants which would not normally have sufficient weight, as a material consideration, to overturn rural settlement policy.
- 2.36 Paragraph 11 of the NPPF states that permission 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.
- 2.37 Assessed against the three core roles that planning fulfils, namely social, economic and environmental, the adverse impacts and benefits of this proposal are summarised as follows:
- 2.38 With regard to the social role the proposal would provide an additional dwelling which would, to a modest degree, contribute towards the Districts housing supply, although at this point in time it will be recognised that the Council now has a 5 year housing land supply. A single dwelling would also make a modest contribution to supporting local community activities, facilities and services, albeit the latter are relatively limited in number.
- 2.39 The development would provide a short term economic benefit, by providing employment during the construction phase. It would provide an opportunity for occupants of the dwelling to support local businesses in the hamlet and/or nearby settlements, albeit from one dwelling this would be a very limited gain, with the benefits further reduced by the relative remoteness of the hamlet from rural business services.

- 2.40 In environmental terms the relatively remote location of the site and lack of local services would mean a high level of travel for day-to day needs and activities. In all likelihood this would involve a heavy reliance on the use of the private car, although some limited opportunity for use of the local bus services are recognised. Based on the characteristics of the site and the sensitive design of the proposed dwelling, no adverse impact on the setting of the Listed Building or Conservation Area have been identified, although harm would arise to the character of the countryside through the introduction of a new building within a prominent edge of hamlet location and at a point where the character is formed by open views within a landscape setting.
- 2.41 Applying the tilted balance to this evidence, it is considered that harm would arise, this which would be contrary to Development Plan and NPPF objectives. This harm would be moderated to some extent by the availability of a restricted bus service at the hamlet and a range of limited benefits have been identified, the cumulative impact of which provides a modest beneficial impact. The test applied at paragraph 11 of the NPPF is that permission should be granted unless the harm is judged to significantly and demonstrably outweigh the benefits of the scheme. The conclusion drawn here is that the overall level of harm arising from the introduction of a new dwelling outside a hamlet with no defined confines, the impact on the landscape character and associated vehicle activity would significantly and demonstrably outweigh the benefits.

3 Conclusion

- 3.1 The application has been given careful consideration having regard to adopted local and national planning policies and guidance. The assessment has had regard to the fact that whilst the proposal is contrary to the Development Plan rural settlement policies, the infringement derives from the classification of the settlement under policy CP1 and this is currently in tension with the NPPF which seeks to avoid blanket restricting housing development in some settlements and not in others, unless supported by robust up to date evidence. It is recognised that in this case the evidence for the Core Strategy is no longer up to date.
- 3.2 Notwithstanding the above, the environmental harm as identified above is concluded to significantly and demonstrably outweigh the minor social and economic opportunities associated with a new dwelling in this location.
- 3.3 In the particular circumstances of this case and having regard to the tilted balance, it is considered that the proposal cannot be exceptionally justified and that planning permission for an additional dwelling should be withheld.

g) Recommendation

PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. The proposed development would be located outside of any settlement confines, as identified on Dover District Council Policies Map 2015, does not functionally require a rural location and would not be ancillary to existing development and would therefore represent an unsustainable form of development. The proposal would be highly visible within its rural setting and harmful to the open character and appearance of the adjoining countryside. The proposal would be contrary to policies CP1, DM1, DM11, DM15 and DM16

of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Case Officer

Hilary Johnson