

- a) **DOV/19/00968 – Erection of a detached dwelling with associated garden and parking (existing barn to be demolished) - Ham Barn, Updown Road, Ham, Northbourne**

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.
- DM11 – 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.
- 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.

National Planning Policy Framework 2019 (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 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are

no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.

- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 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.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.
- 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.'

Sections 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest it possesses.'

d) **Relevant Planning History**

DOV/18/00666 - Prior approval for the change of use from an agricultural building to a residential dwelling. Refused.

DOV/18/00905 - Prior approval for the change of use from an agricultural building to a residential dwelling. Refused.

DOV/19/00440 - Erection of a detached dwelling with associated garden and parking (existing barn to be demolished). Refused (Committee decision).

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

Northbourne Parish Council

No comments received.

Tree Officer

No objection subject to a condition securing the protection measures as Appendix B of the Tree Survey and Report: Tree Constraints Plan.

County Archaeologist

No objection subject to a condition requiring a programme of archaeological works.

Heritage Officer

I have reviewed the plans against my comments on the previous application and make the following comments:

- I noted previously that the setting of the listed buildings had not been adequately addressed in the heritage statement. Whilst the new submission is better on this matter, unfortunately it is still deficient: you will note from photos that I provided with the comments on the previous application that there is a mid-range view of the site within the context of the listed buildings as a group from Updown Road. The updated statement does not include this view; those submitted are again very tightly contained so do not show the relationship of the site to the listed buildings and their wider setting. In addition there is no assessment of the development from the curtilages of the listed buildings: this latter is important due to the bulk and detailed design of the proposed development.
- The design has changed to a structure that is a jettied hall house/over-sized cart entrance to a barn amalgamation. I'm not sure where the inspiration has been taken from but I'm not aware of timber framing being particularly prevalent in this part of the district, nor do I feel that the design is consistent with the character of that grouping of historic buildings. The issues of bulk, siting and scale are unresolved with the current plans, and I'm afraid that the large cart entrance type structure would be rather imposing architecturally. The proposed building would not sit comfortably in this context adjacent to the church and the former agricultural buildings of Ham Manor.
- The roof form is more interesting and mass has been reduced somewhat, but I'm not sure about the chimneys: they are not shown on the layout plans (are they false?) or the roof plan. There is a hierarchy of windows to front elevation,

which was one of my points, but the other changes to the front elevation are not positive.

I am of the view that we have received insufficient evidence to demonstrate that the proposed development would not harm the setting of the listed buildings. The issues re bulk, scale and siting have not been addressed, plus the amended design raises issues as noted above. In my view the setting of the listed buildings would be harmed by the proposed development.

Public Representations:

Fourteen (14) representations received supporting the planning application and making the following comments:

- Well thought out scheme
- sympathetic development
- good use of derelict barn
- the proposed dwelling has sympathetic design and materials
- use of brownfield land
- conversion of the metal barn to a family home
- the existing building is unsightly
- design is in keeping

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

1.1 The application relates to a parcel of land comprising an existing agricultural building which forms part of the farmstead of Ham Manor. The site lies outside of any defined settlement confines and for the purposes of planning, it is considered to be within the countryside. Ham Manor and a stable block associated with Ham Manor are Grade II listed buildings which lie to the southwest at a distance of approximately 65m from the site. To the north, the site adjoins the curtilage of a Grade II* listed St George's House. To the west of the site is the open countryside and immediately to the south are existing single storey agricultural buildings. The application site has two existing unmade (informal) accesses off Updown Road. Opposite the application site across the junction lies a standalone group of three terraced properties at a distance of approximately 35m from the site. Another farmstead 'Beech Tree Farm' lies across the fields to the north abutting Hay Lane.

1.2 The proposal seeks full planning permission for the erection of a two storey 5 bedroomed detached dwelling. The dwelling would have a combination of roof types with front gable projection, pitched roof with gabled ends whilst the majority of the length of the dwelling would be under a flat roof with sloping ends to the sides. The dwelling would be 8.5m in height, 15m in width and 15m in depth. The floor area would measure approximately 360sqm. The proposed dwelling would be finished in red brickwork and would have aluminium folding doors, an oak frame with glazing, timber casement windows and handmade clay roof tiles. It is proposed to utilise the existing accesses off Updown Road.

1.3 It is relevant to note that a previous application for a similar scheme was refused by the authority of the Planning Committee (DOV/19/00440) in July 2019.

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 the listed building
- Dwelling for a rural worker
- The impact on residential amenity
- The impact on the highway network
- The impact on ecology
- The impact on trees
- Archaeology

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise.
- 2.3 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has ‘failed’ the Housing Delivery Test), 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 (known as the ‘tilted balance’) or where specific policies in the NPPF indicate that development should be restricted.
- 2.4 Having regard for the most recent Annual Monitoring Report 2018/9, the Council are currently able to demonstrate a five-year supply and the Council have not ‘failed’ the Housing Delivery Test.
- 2.5 It is considered that the policies which are most important for determining the application are CP1, DM1, DM11, DM15 and DM16.
- 2.6 Policy CP1 of the Dover District Local Development Framework Core Strategy adopted February 2010 (the Core Strategy) seeks that the location and scale of development in the District complies with the Settlement Hierarchy. This identifies Ham, where the application site is, as a hamlet not suitable for further development unless it functionally requires a rural location. Whilst there is some tension, this policy accords with the strategic aim of the NPPF to promote sustainable development. Therefore, it is considered that some weight should be afforded to this policy.
- 2.7 In respect of Policy DM1, the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council’s 2010 Adopted Core Strategy. In accordance with the Government’s standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, limited weight should be afforded to this policy.
- 2.8 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside

confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport and is therefore not considered to be out-of-date and should continue to attract significant weight.

- 2.9 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. However, these policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside.
- 2.10 Whilst it is considered that policy DM11, DM15 and DM16 are not out-of-date, it is concluded that given how critical Policy DM1 is for the determination of the principle of the development and having considered the development plan in the round, the 'tilted balance' is engaged. As such, the application should be assessed in the context of granting development unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.11 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.12 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines. It is considered that the occupants of the development would need to travel in order to reach all of the necessary day to day facilities and services (for example secondary schools or a doctor's surgery). The development is not justified by other development plan policies. As such, the development is contrary to Policy DM11.
- 2.13 The NPPF paragraph 78 requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and paragraph 110 prioritises pedestrian and cycle movements and facilitating access to high quality public transport. Therefore, the proposal would be contrary to paragraphs 78 and 110 of the NPPF.
- 2.14 The report contains an in-depth assessment of the degree of compliance of the proposal with policies DM15 and DM16 and whether the development would cause harm to the character and appearance of the countryside and the wider landscape under the section 'Character and appearance' of the report.
- 2.15 Regard has also been had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.

Character and Appearance

- 2.16 The site lies outside of any defined settlement confines. The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside will only be permitted if it satisfies one of four criteria and the development would not result in the loss of ecological habitats.
- 2.17 The application site constitutes a prominent corner plot and lies at the junction formed by Updown Road, West Street and Ham Lane. It is highly visible from this junction and from the Updown Road to the north, whilst the views of the site are obscured by virtue of the existing mature trees and buildings abutting Updown Road to the south. The application site abuts a narrow rural lane with no footpaths or streetlights and is bound by hedges and trees which gives the area a strong rural character. The application property and its neighbours lie within a predominantly open landscape comprising arable farmland, punctuated by similar small pockets of development focussed on farmsteads, often screened by trees. The area comprises very limited development and does not have any strong defining character. It is noted that some of the buildings face towards the roads, however, the separation from the road varies considerably, with some buildings directly addressing the roads and others set back by a significant distance.
- 2.18 Given the scale and siting of the proposed dwelling, views of the dwelling would be readily achievable from Updown Road. From there it would appear uncharacteristically large and bulky for a domestic building, particularly in the context of the other more modest traditional residential properties nearby. Thus it would stand out as an incongruous and dominant feature on the site which presently contributes to the rural character of the area and the setting of the listed buildings. These views would include the poorly detailed front and side elevations of the proposed dwelling, which seen together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, would jar with the relatively unspoilt rural setting and would have sub-urbanising effect to the detriment of the rural character and appearance of the immediate area. The visual impact of the development is exacerbated by the scale of the development, producing a prominent and dominant form of development which would be visually intrusive and at odds with the prevailing character of the area and harmful to the character and appearance of the countryside.
- 2.19 It has been established that the development would adversely affect the character of the countryside; as such Policy DM15 would apply. Regard must be had, therefore, to whether in light of this harm, the proposed development could be acceptable by meeting any of the four criteria listed under Policy DM15 *which include (i) it is in accordance with allocations made in the Development Plan Documents; or (ii) justified by the needs of agriculture; or (iii) justified by a need to sustain the rural economy or a rural community; (iv) it cannot be accommodated elsewhere and it does not result in the loss of ecological habitats*. In respect of these matters, the proposed dwelling would be located in a rural location beyond any designated settlement confines. It is not justified by the needs of agriculture (this issue is considered later in the report). Whilst it is acknowledged that the proposal would provide a short term economic benefit, by providing employment during the construction phase, it is not considered that this very limited benefit justifies the development. Furthermore, no overriding justification has been provided that demonstrates why it needs to be in this location and why it cannot be accommodated elsewhere. Whilst the development would not result in the loss of ecological habitats (this issue is considered later in the report), as none of the four preceding criteria would be met, the development is contrary to Policy DM15.

- 2.20 Regard should also be had to policy DM16 of the Core Strategy which 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.
- 2.21 The site falls adjacent to Betteshanger and Northbourne Historic Parks LLCAs (Local Landscape Character Assessment) as identified within Landscape Character Assessment 2018. The features of the locality identified include arable farmland dissected by narrow lanes, structural vegetation, partial enclosures by woodland and trees, Historic parks, Conservation Area and numerous listed buildings. The potential for development has been identified as either none or very limited.
- 2.22 The topography of the land is relatively flat. By virtue of limited boundary vegetation, the site together with the existing building appears prominent in views from some of the viewpoints in Hay Lane. The existing views from Hay Lane are dictated by hedges, mature trees and the existing building is seen in conjunction with other agricultural buildings in its vicinity within the farmstead with no other built development being prominent in views. The farmstead is a relatively typical and unremarkable group of agricultural buildings in the rural area and retains a strong relationship with its rural context. Despite the large size of the existing building, it has a subdued appearance and sits comfortably within the rural area and whilst utilitarian, it is typical of agricultural buildings around farms and thereby reflects the agricultural character of its surroundings. The proposed dwelling is of substantial size and given its exposed location, it would appear prominent in views in Hay Lane and would be out of keeping with the prevailing subdued agrarian character of the area. Given the scale of the proposal, it is not considered that landscape mitigation would help resolve the visual impact arising from the development. As the development is not in accordance with allocations in the development plan and does not mitigate such harm to an acceptable level, it is contrary to Policy DM16. The NPPF paragraph 170 calls for development to take into account the intrinsic character and beauty of the countryside. The proposed development fails to address this and is therefore unacceptable.
- 2.23 Overall by virtue of the scale, siting and type of development, the proposed development would erode the rural character of this part of the countryside and landscape, introducing a suburban form of development which would fail to respect or respond to its setting and fail to integrate into the natural and built environment or reinforce local distinctiveness. As such, the development would be contrary to Core Strategy Policies DM15, DM16 and aims and objectives of the paragraph 170 NPPF.

Impact on Grade II-Listed Buildings

- 2.24 Regard must be had for the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, "special regard" be had to "the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Regard must also be had for the provisions of the NPPF, in particular the paragraphs (189 – 196) at Chapter 16: Conserving and Enhancing the Historic Environment. Notwithstanding the statutory duty, the NPPF paragraph 195 requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), 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.

- 2.25 The application property is a steel framed barn which is accessed from Updown Road and is highly visible from Updown Road, the Grade II* listed Church (St George's House) to the north and the Grade II listed buildings 'Ham Manor' and the stable block to the southwest. The site adjoins the curtilage of St George's House (Church) to the north. To the west of the site is the open countryside and to the south are existing single storey agricultural buildings which form part of the Ham Manor Farmstead.
- 2.26 The proposed dwelling would sit at a distance of approximately 17m from the listed church. The dividing northeastern boundary comprises sparse mature vegetation readily permitting views of the barn from within the listed curtilage. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
- 2.27 By virtue of the proximity of the application site and the listed building, views of the southeast and northeast elevations of the barn in conjunction with the southwest elevation (walls and roof) of St George's House are achievable through the entrance to the application site from Updown Road and from the within the curtilage of the listed church. The application site has a visual and historic relationship with the adjacent listed building and its agricultural nature allows St George's House's significance to be appreciated. In essence, it is considered that the application property forms part of the setting of St George's House.
- 2.28 Paragraph 190 of the Framework advises that significance can be harmed through development within the setting of a heritage asset. English Heritage (now Historic England) Advice Note 3, The Setting of Heritage Assets (December 2017) explains that the extent and importance of a setting is often expressed by reference to visual considerations. It also recognises that although views of or from an asset will play an important part; the way in which we experience an asset in its setting is also influenced by other environmental factors such as (amongst other things) by our understanding of the historic relationship between places.
- 2.29 Currently, the application property is seen as a substantial agricultural building that is generally consistent with an understated rural aesthetic. It has a large opening to its front elevation in an arrangement reflective of its functional agricultural purpose. As a result it sits comfortably within the rural area and whilst utilitarian, it is typical of agricultural buildings around farms and thereby reflects the agricultural character of its surroundings. It also has a relatively open appearance, so that despite its size and proximity, it does not compete visually with St George's House to any great extent.
- 2.30 In contrast, the proposal would seek the demolition of the existing barn and erection of a two storey solid brick built dwelling of a larger footprint and its planform is bigger than that of the grade II* listed church. Although slightly lower in height than the existing barn, the dwelling would be much wider. DDC's Heritage Officer has raised concerns regarding the design of the dwelling and describes the development as a 'jettied hall house/over-sized cart entrance to a barn amalgamation'. Concerns are raised regarding the use of timber framing which is not prevalent in this part of the district whilst the design is inconsistent with the character of the grouping of the historic buildings particularly the large cart entrance type structure would be rather imposing architecturally. In addition to this, the issues of bulk, siting and scale raised during the previous application (DOV/19/00440) remain unresolved.

- 2.31 The heritage statement submitted with the application provides limited evidence that the impact of the development has been assessed from the curtilages of the listed buildings, with the assessment of impact on the setting being contained to the view from the road. No assessment of the mid-range view across the fields from the lane has been included. Consequently, it is the Heritage Officer's view that the settings of the listed buildings (St George's House, Ham Manor and the stable block) have been inadequately considered.
- 2.32 For the foregoing reasons, the proposal would fail to be in keeping with, and would detract from, the rural character of the site, the wider area and the setting of St George's House, which is of significance to the area's heritage. Finally, Paragraph 192 of the Framework indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the listed building (as described at paragraphs 193, 194 and 196 of the Framework), the harm caused would be material.

Dwelling for a Rural Worker

- 2.33 The application has been supported by a planning statement which makes reference to the fields owned by the applicant around the application site. This has been presented as the basis for the proposed development in this rural location. It is therefore felt relevant to discuss the matter in-depth and establish whether the argument presented carries weight in the decision making process.
- 2.34 The revised Framework at paragraph 79 allows for isolated homes in the countryside where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside. Whilst technically the site is not defined as isolated, it lies in a highly unsustainable location and is isolated from the day to day facilities and services.
- 2.35 There is a consistent approach across the Planning Inspectorate which requires the following to be taken into consideration whilst assessing the case for a rural worker's dwelling.
- a) Whether there is an essential need for a dwelling to accommodate a rural worker
 - b) Whether, having regard to national planning policy that seeks to avoid isolated new homes in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work.
 - c) Is it necessary for a worker to live at or near their place of work in order for that work/enterprise to function properly?
 - d) Is the work/enterprise in question likely to endure in the long term? (i.e. is there a significant risk that the enterprise might cease in the near future, leaving behind a new dwelling that would not otherwise have been approved?)
- 2.36 The Planning Inspectorate guidance further advises to take into account whether a worker needs to be on or near the site at most times, including the night – i.e. outside of regular hours of work. It also requires the submission of evidence to demonstrate that other measures have been considered such as automatic alarms in the event of power failure etc. Further to this, the applicant is required to sufficiently demonstrate the adverse effects that might arise if a worker were not present at most times and how serious these effects might be i.e. could their absence on the site materially affect the functioning of the enterprise or the viability of the business.

- 2.37 Overall no evidence has been provided with the application to establish that there is a 'need' for a rural worker to live at or near the site. No details of the applicant's business have been submitted to support the argument. Notwithstanding the lack of evidence, in the event that it was established that there is a need for a worker to live at or near the site, it is necessary to first consider whether there is existing accommodation in the area that might reasonably meet the need. Further to this, the guidance also requires the size of the dwelling to be proportionate for the intended purpose i.e. appropriate to the essential need and not be unnecessarily large. In contrast, the proposal would result in the creation of an uncharacteristically large and bulky domestic building (approximately 360sqm), particularly in the context of the other more modest traditional residential properties nearby. In summary, there is no justification in this case for granting permission on the basis that the proposed dwelling is required to meet the needs of the agricultural holding.

Highways/Travel Impacts

- 2.38 Regard has also been had to Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwelling would give rise to additional travel in a location beyond the settlement confines. The proposed development would therefore be contrary to policy DM11 of the Core Strategy.
- 2.39 The proposed development would utilise the existing accesses. Table 1.1 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The submitted plans do not include car parking provision. However, given the size of the application site, it is considered that two car parking spaces could be accommodated within the site. The proposed parking provision would therefore be in accordance with policy DM13 of the Core Strategy.
- 2.40 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) could be secured by condition.

Impact on Neighbours

- 2.41 The finished dwelling would lie at a distance of approximately 17m from St Georges House to the north and approximately 65m from Ham Manor to the southwest. Having regard for the substantial separation distance, it is not considered that the proposed dwelling would cause harm to the residential amenity of the neighbouring occupiers.

Living Conditions of Future Occupiers

- 2.42 The proposed dwelling, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. It would be provided with a large private garden and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable and would accord with paragraph 127 of the NPPF.

Land Contamination

- 2.43 Environmental Health have not been formally consulted on this application. However, it is noted that on the previous application DOV/19/00440, EH raised no objections subject to land contamination conditions. It was also recommended that care be exercised during the dismantling/demolition process when removing such material (asbestos) to ensure that the safety of site personnel is protected. All such materials must be completely removed from the site, safely transported and properly disposed of. It is considered reasonable to attach the recommended conditions should the permission be granted.

Archaeology

- 2.44 The application site is situated within a chalk downland landscape that is generally rich in archaeological remains. Immediately to the north of the site is the former St George's Church (now converted into a private dwelling). This former church is Grade II* listed and is reputedly of Anglo-Saxon date. Also of Anglo-Saxon date are numerous metal detecting finds recorded from fields immediately to the east and south-east. These chance finds include several Anglo-Saxon buckles and brooches (including examples in silver) and an Anglo-Saxon gold bracteate (decorated gold disk). These finds almost certainly originated in a funerary context and are strongly suggestive of an Anglo-Saxon cemetery site.
- 2.45 Other finds from the area include several coins of Iron Age and Romano-British date. Also within the fields to the east there are various crop- and soil- marks visible on aerial photographs which demonstrate the presence of buried archaeological features. These crop- and soil- marks include an enclosure and also a ring-ditch, the latter probably representing the ploughed-out remains of a Late Neolithic/Early Bronze Age burial mound.
- 2.46 Given the archaeological potential of the area, KCC Archaeology have advised that it is possible that the proposed development may affect remains of archaeological interest. Consequently, it is recommended that in the event of grant of planning permission, a condition be attached for a programme of archaeological works.

Impact on Trees

- 2.47 There is a row of protected mature trees along the dividing boundary with St Georges House which lie within the listed curtilage. It is relevant to note that the proposed dwelling would sit at a distance of approximately 12m from the row of trees. A tree survey has been submitted with the application which also includes an arboricultural method statement and a tree protection plan. The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots.
- 2.48 DDC's Tree Officer has raised no concerns regarding the proposal and recommended that in the event of grant of planning permission, appropriately worded conditions be attached to the permission to secure the tree protection measures as detailed within the submitted tree survey.

Ecology

- 2.49 The application has been accompanied by a preliminary ecological appraisal dated 27 March 2019. From the review of the survey report, it is apparent that the KRAG datasearch revealed that the closest recorded reptile is Grass Snake, located at [Private Residence], 0.71 km to the SE (record id: 20341). The site has been considered as having a high potential to support breeding birds within the trees. It is apparent that jack daws, sparrows and pigeons were found to be nesting inside the agricultural building; barn owls were not nesting but signs of roosting were present, with some feathers and pellets present in the north-west corner. The site has been assessed as having no potential for Hazel Dormouse, Badgers and Bats whilst the surroundings have been assessed as having the potential to support hedgehogs.
- 2.50 In respect of the above findings, the following has been recommended:
- The site contains suitable habitat for breeding birds, consideration must be given to the timing of the clearance works, if any is to take place. The effect on birds can be avoided by demolishing the building outside of the nesting season (which extends from March – August inclusive) or only after a survey has confirmed the absence of nesting birds
 - Also, as there is evidence of barn owls roosting inside the building, a Barn Owl roosting/nesting box should be provided within 200 metres of the development at least 30 days before any part of the site used by Barn Owls is altered in any way.
 - There is some potential for hedgehogs to be present on site. Therefore any areas where mammals could be sheltering should be hand searched prior to disturbance. Excavations should not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape.

In the event that the planning permission is granted, the above recommendations could be secured via suitably worded conditions.

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

- 2.51 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.
- 2.52 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.
- 2.53 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.

- 2.54 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.
- 2.55 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.

Other Material Considerations

- 2.56 The NPPF, at paragraph 8, states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.
- 2.57 The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase.
- 2.58 With regards to the social role, it is not considered that the proposal would result in the creation of a high-quality environment. Given the fact that the Council can demonstrate a 5 year housing land supply, the benefit associated with the provision of one dwelling would be negligible. Furthermore, it is considered that the proposed development lies in an unsustainable location and would not enhance or maintain the vitality of rural communities.
- 2.59 Turning to the environmental role, it is considered that the proposal would cause significant harm to the character and appearance of the countryside contrary to the (paragraph 170) NPPF's aim of recognising the intrinsic beauty of the countryside and the landscape. Further to this, the proposal would lead to less than substantial harm to the significance of the listed building (as described at paragraphs 193, 194 and 196 of the Framework) and the harm caused would be material.
- 2.60 The site forms part of an existing farmstead located on a narrow lane, which lacks footpaths and is unlit. The nearest bus stop is located on Deal Road at a distance of approximately 1.45km (0.9 miles) from the application site. It is served by No.80 and No.80A buses, which link to Dover, Deal, and Sandwich. The nearest train station, Sandwich, is located approximately 3.7km (2.3 miles) away by road. The nearest settlements providing reasonable levels of facilities and services are Ash, around 3.5km away to the north, and Eastry, around 2.4km (1.5 miles) away to the west. Given the distances, the convenience and safety of walking and cycling routes and the lack of convenient public transport, it is considered that there is no realistic alternative but to travel by car, whilst such travel would be over considerable distances. It is therefore considered that the site is not sustainably located, contrary to paragraph 78 of the NPPF, which requires that "housing should be located where it will enhance or maintain the vitality of rural communities" and would fail to prioritise pedestrian and cycle movements or facilitate access to high quality public transport, contrary to paragraph 110 of the NPPF. For the same reasons, the development would be contrary to Policy DM11 of the Core Strategy.

- 2.61 The application site is around 1.4km as the crow flies (ATCF) from a site near Finglesham (hamlet), which was refused planning permission at appeal for one dwelling (DOV/17/01499 and APP/X2220/W/18/3199790) in August 2018. The site has similar characteristics to the application site in terms of its remoteness and the very limited access to day-to-day facilities and services. In respect of the proposal, the Inspector opined that the rural nature of the highways and the public rights of way in the area would not provide a realistic prospect for walking or cycling to and from urban areas and that the occupiers of the proposed dwelling would be highly reliant on the private car and would be contrary to Policy DM11 and the principles of the Framework that seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. He also concluded that the development in such a rural location would result in a diminution of the rural character and appearance of this location by further consolidating urbanising development in this locality. He concluded that the harm identified would significantly and demonstrably outweigh the benefit associated with the provision of one dwelling.
- 2.62 Whilst every case should be judged on its own merits, it is considered that the recommendation to refuse the current application would be consistent with the approach taken by the Inspector, for a single dwelling, in a nearby rural location, which was to very firmly dismiss the appeal on the grounds that it would be contrary to both the local and national planning policies. It is also worth noting that this appeal decision was made when the Council was unable to demonstrate a 5 year housing land supply. However, in case of the current application, the Council is 'able' to demonstrate a 5 year housing land supply.
- 2.63 To conclude, the proposal would provide only limited economic benefits; however, this is considered to be more than outweighed by the significant and demonstrable harm caused to the wider environmental objectives relating to the detrimental impact to the countryside and wider landscape and the unsustainable travel patterns that the development would necessitate. To conclude, it is not considered that the development represents 'sustainable development' and is, therefore, not supported by the NPPF and as such the development should be refused.

3. Conclusion

- 3.1 The application site lies outside of settlement confines, where planning policy strictly controls new development. The proposal doesn't address any of the exceptions allowed for by policy and as such is considered to be unacceptable in principle, contrary to Policy DM1 of the Core Strategy. The proposal would constitute an incongruous and visually intrusive feature in this important rural environment to the detriment of the character and appearance of this part of countryside and would cause harm to the wider landscape, contrary to policies DM15 and DM16 of the Core Strategy. Nil evidence has been submitted to demonstrate that there is an essential need for a rural worker to live permanently at or near the site. The very limited benefits associated with the proposal are considered to be more than outweighed by the significant and demonstrable harm caused to the wider environment. Furthermore, it would cause less than substantial harm to the significance of the listed buildings and the harm caused would be material. Finally, by virtue of its location, the proposal would constitute an unsustainable form of development and would therefore be contrary to the development plan policies and the NPPF.

g) Recommendation

- I Planning permission be REFUSED for the following reasons:

1. The proposed development, if permitted, would result in an unjustified dwellinghouse, outside of any defined urban or village confines, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car, and would significantly and demonstrably harm the rural character and appearance of the locality contrary to policies CP1, DM1 and DM11 of the Core Strategy (2010) and paragraphs 78, 110, 127 and 170 of the National Planning Policy Framework (2019).
 2. The proposal would result in an overtly domestic form of development within a rural location which would appear as an incongruous and intrusive feature, detrimental to the rural character and appearance of the countryside and the wider landscape, contrary to policies DM15 and DM16 of the Dover District Core Strategy (2010) and paragraphs 127, 130 and 170 of the National Planning Policy Framework (2019).
 3. The proposal would have a detrimental impact on the setting of the Grade II* listed St George's House. It would lead to less than substantial harm to the significance of the designated heritage asset for which no overriding justification (public benefits) has been presented, contrary to paragraphs 192, 193, 194 and 196 of the National Planning Policy Framework.
- II Powers to be delegated to the Head of Planning, 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

Benazir Kachchhi