

- a) **DOV/21/00227 – Erection of a detached dwelling with associated parking and new vehicular access - Norton Timber, Long Lane, Shepherdswell**

Reason for report: Number of contrary views (15).

- 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.

DM4 - Beyond the confines or rural service centres, local centres and villages, permission will be given for the re-use or conversion of structurally sound, permanent buildings where it is for commercial uses and for private residential use in buildings that are adjacent to the confines.

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 plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.

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.

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.'

Draft Local Plan Reg 18

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

National Design Guide

Kent Design Guide

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

DDC Ecological Officer – The preliminary ecological appraisal recommended that a reptile survey should be carried out on this land. This has not been submitted to the council. Since the possible presence of protected species is a material consideration in the planning process. Please ask the applicant to follow their consultant's advice and commission the work to start within the appropriate seasonal window.

DDC Environmental Health – no objection subject to condition.

Shepherdswell Parish Council – recommend refusal.

Environment Agency – no comments.

Southern Water - Southern Water would not support the proposals for private treatment plant in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy. It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Third Party Representations

15 letters of representations received in support and summarised below:

- appropriate use of land
- deter crime
- sympathetic to the countryside
- limited impact on road and local infrastructure
- nice to see individual properties build rather than rows of the same houses
- aesthetically pleasing
- add to the beauty and comfort

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

1.1 The application site lies within the countryside, to the north of Shepherdswell. The site adjoins an existing timber yard/workshop to the north. Having reviewed the historical aerial imagery, it is apparent that in 2003, the application site was part of the wider agricultural fields and the later imagery from 2006 shows the site as forming part of the Norton Timber Yard. The slope of the site gradually rises from north to south and is highly prominent in long and short range views. There is a mixture of arable and pasture land around the site, together with small areas of woodland. The site lies at a distance of approximately 600m from the nearest settlement boundary however, it lies over 1km from the nearest facilities and services in the village of Shepherdswell.

1.2 The proposal seeks full planning permission for the erection of a two storey 4 bedroomed detached dwelling. The intention to carry out self-build is noted. The

dwelling would have a pitched roof with flat roofed gables. The dwelling would be 5.5m in height, 10.5m in width and 17.5m in depth. The footprint of the proposed dwelling would be 183.75sqm and the floor area would measure approximately 227sqm (excluding the external deck area). The proposed dwelling would have a brick plinth and would be clad with timber boarding. The mansard gables would have an oak frame and would be predominantly glazed. It is understood that the fascia, soffit and fenestration would be made of timber. It is proposed to create a new access off Long Lane adjacent to the existing access which serves the business.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- Highway/Travel Impact
- The impact on residential amenities
- Ecology
- Drainage and flooding

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 It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.

2.4 Policy DM1 and 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 596 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, of this should carry only limited weight.

2.5 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. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF. Nevertheless, the application site lies approximately 600m from the settlement confines and as such the degree of harm

arising from the infringement with Policy DM11 is considered to be moderate. It is therefore considered that, for the purposes of this application, DM11 should be afforded significant weight.

- 2.6 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. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. The blanket approach of refusing development which results in the loss of the countryside within DM15 however is at odds with the NPPF. DM15 refers to the importance of “character and appearance” of the countryside, whereas the NPPF seeks to protect “character and beauty”. While policy DM15 is otherwise consistent with the NPPF, parts of it are inconsistent and not up-to-date. It is considered that DM15 should therefore be afforded less than full weight.
- 2.7 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. At the present time the Council is able to demonstrate a 5-year housing land supply (having 5.39 years supply). The council have not ‘failed’ the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years).
- 2.8 As a whole, it is considered that the main policies for determining the application are not up-to-date and as such the ‘tilted balance’ (paragraph 11, NPPF) must be engaged.
- 2.9 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.
- 2.10 Regard has also been had later in this report to whether there are any material considerations which indicate that permission should exceptionally be granted.
- 2.11 Prior to assessing the visual impacts arising from the proposed development, it is necessary to establish whether the application site could be classed as ‘previously developed land’.
- 2.12 The NPPF definition of previously developed land is in the annexed glossary. It reads as follows:

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 2.13 Regard has been to the legal principles that apply when considering the issue of curtilage, as summarised by Mr Justice Supperstone in *Burford v Secretary of State for Communities and Local Government* [2017] EWHC 1493 (Admin), below:
Three factors had to be taken into account in determining whether a structure or object was within the curtilage of another building (*Attorney General ex rel Sutcliffe v Calderdale MBC* (1983) 46 P. & C.R. 399, [1982] 7 WLUK 340 applied):
(a) the physical layout of the building and the other structures;
(b) their ownership, past and present;
(c) their use or function, past and present.

The site is currently being partly used for open storage purposes in conjunction with the existing business use, although much of it has a more natural appearance. Having reviewed the historical aerial imagery, it is apparent that in 2003, the application site was part of the wider agricultural fields and the later imagery from 2006 shows the site as forming part of the curtilage of Norton Timber Yard. Taking into account the determining factors as stated above, the past and present characteristics of the site (i.e., relatively undisturbed by development) and its current use, in your officers opinion, the majority of the site is not considered to be previously developed land (PDL).

- 2.14 A few representations have been received regarding supporting the existing business by granting a dwelling on site. However, no such argument has been presented within the Design & Access statement. Nevertheless, for the purposes of completeness, it is felt relevant to discuss the matter and establish whether the need for a rural worker's dwelling on this location carries weight in the decision making process.
- 2.15 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 an unsustainable location and is isolated from the day to day facilities and services.
- 2.16 There is a consistent approach 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?)
- 2.17 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 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.

- 2.18 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 summary, it is not considered that there is any justification in this case for granting permission on the basis that the proposed dwelling is required to meet the needs of the existing rural business.

Impact on the Character and Appearance of the Area

- 2.19 The site lies 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 should be refused, unless one of four criteria is met, and the development does not result in the loss of ecological habitats.
- 2.20 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, "permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level".
- 2.21 The area is rural in character. Built development is very limited comprising small clusters of buildings and cottages partially screened by trees and hedgerows. The application site lies in an elevated position with no development screening the site. As such, by virtue of its exposed location, it is highly prominent in short and long range views from the wider landscape. The site is currently used for open storage in conjunction with the existing business, although there is no history of planning permission being granted for such a change of use of the land. Notwithstanding this, it should be noted that the site remains essentially undisturbed by development. By virtue of the topography and the location of the site, views from Long Lane and Mill Lane would be readily gained of the new dwelling together with a range of domestic paraphernalia such as hardsurfacing, fences, walls, gates etc, all of which would jar with the relatively unspoilt rural setting, would have an urbanising effect on the immediate area to the detriment of the rural character and appearance of this part of the countryside.
- 2.22 Regard must be had 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 includes (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 the nearest settlement. It is not justified by the needs of agriculture. 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 would apply to a sufficient degree to set aside the harm identified. Furthermore, no overriding justification has been provided that demonstrates why a dwelling needs to be in this location and why it cannot be accommodated elsewhere.
- 2.23 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.

- 2.24 The application site falls within the LCA E1: Shepherdswell Aylesham Parklands as identified within the new draft evidence base Landscape Character Assessment 2020. The findings from the landscape assessment are relevant to the subject matter of the planning application under consideration.
- 2.25 The key characteristics of the LCA include the following:
- Undulating topography of distinct gentle ridges and valleys;
 - Numerous blocks of deciduous woodland, many of ancient origin, are locally designated and break up large arable fields. These include parkland belts, clumps, and copses;
 - Small estate villages linked to the historic parklands with strong vernacular of redbrick, flint and Kent peg tiles, linked by narrow rural roads;
 - Historic links to Kent coal mining at Aylesham, Eythorne and Shepherdswell; Good, connected PRoW network enabling access into the landscape, including the North Downs Way and Miners Way Trail Long Distance Footpaths.
 - A rural and tranquil landscape, although cut by the major transport corridors of the A256, A2 and Dover Priory to London Victoria railway line.
- 2.26 The landscape strategy guidance within the LCA 2020 seeks to conserve and enhance the rural character and simple pattern of the rolling arable landscape interspersed with blocks of woodland and parkland. Given the characteristics of the wider area, the guidance does not indicate any scope for new housing in the area.
- 2.27 Given the exposed location of the site, it is necessary to carry out an assessment of the landscape character of the site and the surrounding area, viewpoints from where the site is or may be visible and the impacts of development. A change in the nature and composition of the visual landscape resulting from changes to the character and appearance of the site could potentially affect the amenity value associated with existing views from adjoining land and receptors.
- 2.28 Some broad viewpoint locations have been chosen for the assessment. The following viewpoints have been identified:
1. Views achievable from Mill Lane approximately 225m from the site
 2. Views achievable from Long Lane approximately 190m from the site.
 3. Views achievable from Mill Lane adjacent the site
 4. Views achievable from the site entrance.
- 2.29 In order to assess the impacts of the development on the character of the landscape, a standard methodology has been used which considers the sensitivity to change, the magnitude of change and the significance of impacts, having regard for potential mitigation [Guidelines for Landscape and Visual Impact Assessment (GLVIA3)].
1. Views achievable from Mill Lane approximately 225m from the site
When traversing towards north along Mill Lane (225m from the site), the site is prominent in views however, by virtue of the slope of the land, the rooftops of the existing workshop and its extensions are visible. Whilst the rooftops are considered to be the only detractors in the view, it is not considered that they have more than a minor negative impact in this viewpoint. The proposed development, by virtue of its location and siting would appear highly prominent in views and would detract from the relatively unspoilt landscape setting. By virtue of the topography of the land, it is not considered that the

landscape mitigation could help resolve the visual impact arising from the development. The sensitivity to change and the magnitude of change is assessed to be moderate. It is considered that in this view, the development would cause a moderate adverse effect.

2. Views achievable from Long Lane approximately 190m from the site

At approximately 190m diagonally from the site, by virtue of lack of any mature vegetation along the site boundary and around the site, clear views of the existing workshop are achievable. The open and undulating nature of the wider landscape is also evident in these views. Whilst the existing building is visible and is the only detractor in this view, it is limited to the area fronting Long Lane and as such it is considered to constitute a minor negative. However, the proposed dwelling would be sited within the raised part of the site and would be prominent in views and would detract from undisturbed landscape setting. The scale of the change that will be experienced from this view is assessed to be moderate which takes into account the distance of the receptor from the site. The sensitivity to change and the magnitude of change are assessed to be moderate. The proposed development is considered to cause a moderate adverse effect.

3. Views achievable from Mill Lane adjacent the site (traversing in the southerly direction)

By virtue of lack of vegetation and topography of the site, clear views of the site are achievable. The only detractors in this view is the open storage (timber and other materials) which is spread across the site. Nevertheless, the existing detractor (open storage on site) would constitute a minor negative. The proposed dwelling would be highly prominent in views and would detract from the relatively unspoilt rural setting. The sensitivity to change and the magnitude of change is assessed to be high. It is considered that, in this view, the development would cause a severe adverse effect.

4. Views achievable from the site entrance

The views of the site achievable from the site entrance comprise extensive areas of hardstanding, a standalone single storey building near the entrance, storage containers and the main workshop building (style of the building - typical agricultural barn) and open storage on site fill up the rest of the view. The detractors in this view are considered to be the hardsurfacing, the buildings and the open storage. The proposed development would introduce a new vehicular access. Views into the site would be possible, including areas of car parking and views of the dwelling. It is considered that the proposal would introduce a suburban, engineered character to this narrow lane, significantly departing from the rural character which prevails. The sensitivity to change and the magnitude of change is assessed to be moderate. It is considered that, in this view, the development would cause a moderate adverse effect.

2.30 In terms of mitigation, the application proposes sporadic planting of trees and creation of wildflower meadow (indicative only). By virtue of the topography of the land and siting of the proposed dwelling in an exposed location, the proposed landscaping would do very little to mitigate the significant harm identified.

2.31 In conclusion, by virtue of the site's location and topography of the wider area, the application site lies in a prominent location such that the proposed development, due to its siting and scale, would be highly visible in wider views from the south and east. It would introduce domestication in this part of the countryside to the detriment of and would detract from the character and appearance of the countryside and wider landscape. It would fail to respect or respond to its setting and fail to integrate into the natural and built environment or reinforce local distinctiveness. Therefore, the proposed development would be contrary to policies DM15 and DM16 of the Core Strategy. Finally, it would be contrary to paragraph 170 of the NPPF which requires the planning

policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Highways/Travel Impacts

- 2.32 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.
- 2.33 The routes to Shepherdswell lack lighting or footpaths, significantly reducing the convenience of such routes for walkers and cyclists. The nearest bus stop is located around 700m away, but provides an infrequent bus service. The train station is located around 1.8km away and provides mainline services. Given the distance and the lack of attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Shepherdswell by means other than a car. In addition, the main facilities and services in the Local Centre (defined by CP1) are located a significant distance further away. A loose cluster of facilities and services is located around 1.1km to the south around the historic core of the settlement. This cluster includes a primary school, a pub and a church. The village also provides a medical centre, located around 750m away. A second loose cluster of facilities and services is located at a distance of around 1.8km, including a small supermarket, a post office, the train station and Shepherdswell Village Hall.
- 2.34 As such, the site is located away from facilities and services leading to future occupants being dependent upon the private car for access to day-to-day facilities and services, thereby working against the sustainable travel and reduction of the pollution objectives of the NPPF. To conclude, it is considered that the proposed development lies in an unsustainable location and would not 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.
- 2.35 The proposed development would result in the creation of a new vehicular access off Long Lane adjacent to the existing access. No details of the proposed access have been submitted with the application i.e. no visibility splays have been shown. Nevertheless, having regard for the location of the access (i.e unobstructed views on either side), it is considered that required visibility splays could be achieved for the proposed access. 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 proposal makes adequate parking provision for off-street parking and therefore, the proposed development would comply with policy DM13 of the Core Strategy.
- 2.36 The development does not include any defined provision of cycle parking spaces. In accordance with the recommendations of the Kent Design Guide 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 Residential Amenities

- 2.37 The proposed development would lie at a significant distance of approximately 200 - 250m from the nearest residential properties to the north and south. Having regard for

the substantial separation distances, it is not considered that the proposed dwelling would cause harm to the residential amenity of the neighbouring occupiers.

- 2.38 The proposed dwelling would be approximately 5.5m in height. For the avoidance of doubt, it is necessary to clarify that the height includes the 600mm plinth, internal ceiling and the main roof. Therefore, it is not felt that two storeys could be satisfactorily accommodated within a building measuring 5.5m in height. Overall it would result in the creation of a substandard quality of accommodation. The CGI image submitted with the application has also been reviewed. The proportions within the CGI image do not appear to correspond with the elevations presented in the form of 2D drawings. Notwithstanding this, the measured elevational drawings have been relied upon in reaching the conclusion. Had the application been acceptable in all other respects, your officers would have sought clarification/amended plans to address this matter.
- 2.39 The proposal would provide a private garden and areas which could be used for refuse storage and general amenity space. Whilst there is sufficient space for storage of refuse on site, the bins would have to be pulled to the entrance of the access on the collection days over significant distances i.e. approximately 120m – 130m from the access, because a refuse vehicle could not access the site.
- 2.40 In conclusion, in light of the submitted information, it is considered that the proposal would result in the creation of substandard accommodation by virtue of constrained internal heights (although no sectional drawings have been submitted). Further to this, the future occupants would have to pull the bins over significant distances thereby causing significant inconvenience to the future occupants and would fail to accord with paragraph 127 of the NPPF which requires the development to have high standards of amenity for the future occupants.

Ecology

- 2.41 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application has been accompanied by a Preliminary ecological survey (Phase 1 Habitat Survey). The Council's ecologist has advised that a reptile survey should be carried out in line with the recommendation within the submitted Phase 1 Habitat Survey, with a view to ascertain the likely impacts on the protected species. Therefore, in the absence of the evidence to the contrary to demonstrate that the proposed development would not cause significant harm to the wildlife habitats together with appropriate mitigation measures secured via a planning obligation and planning conditions, the proposed scheme is considered unacceptable. In conclusion, the proposed development would be contrary to national policy, most particularly paragraph 175a of the NPPF Framework.

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

- 2.42 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.
- 2.43 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.

- 2.44 Following consultation with Natural England, the identified pathway for such a likely 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.
- 2.45 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.
- 2.46 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.

Drainage and Flooding

- 2.47 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.48 The application proposes the use of a private treatment plant. Southern Water have advised that they would not support the proposals for a private treatment plant in the presence of a public foul sewerage network in close proximity to the site. Further to this, the foul drainage assessment has not been completed and submitted with the application. As it stands, insufficient information has been submitted in respect of foul water drainage. Notwithstanding this, matters relating to foul water and surface water drainage could be dealt with via suitably worded pre-commencement conditions.

Other Material Considerations

- 2.49 Archaeology: The site lies within an area with archaeological potential. No formal comments from KCC Archaeology have been received in this instance. Notwithstanding, given the archaeological potential of the area, 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.
- 2.50 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. The proposed development would provide a short term and very modest economic benefit, by providing employment during the construction phase. With regards to the social and environmental roles, 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.

- 2.51 In summary, 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 the unsustainable travel patterns that the development would necessitate. 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 well beyond 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 and the NPPF which seeks to restrict new development in the open countryside. 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, contrary to policies DM15, DM16 and paragraph 170 of the NPPF. 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. In addition to this, 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. The application has also failed to demonstrate that the proposed development would not cause significant harm to the wildlife habitats.

g) Recommendation

I Planning permission be REFUSED for the following reasons:

1. The proposed development would result in a dwellinghouse outside of any defined urban or village confines and in open countryside, the need for which has not been demonstrated sufficiently to override normal restraint policies. The proposal would constitute unsustainable residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car, and would result in an overtly domestic form of development in an exposed rural location which would significantly and demonstrably harm the rural character and appearance of the countryside at this point contrary to policies DM1, DM11, DM15 and DM16 of the Core Strategy (2010) and paragraphs 78, 110, 127, 130 and 170 of the National Planning Policy (2019).
2. The site, by virtue of its location and its relationship with the surrounding trees and the rough grassland and scrub, is reasonably likely to provide a habitat for reptiles. The application has failed to demonstrate that the protected species would not be adversely affected, or that appropriate mitigation could be secured, contrary to The Wildlife and Countryside Act 1981(as amended) and paragraph 175a of the NPPF.
3. The proposed dwelling, by virtue of its constrained floor to ceiling heights would result in the creation of an unacceptable standard of accommodation, detrimental to the living conditions of future occupiers. Further to this, the future occupants of the dwelling would be required to pull the bins to the entrance of the access on collection day, over a significant distance (i.e., approximately 120m – 130m) thereby causing significant inconvenience. As a result, it would fail to secure a high standard of amenity for the

future occupants and would be contrary to paragraph 127 of the NPPF (2019) which seeks a high standard of amenity for all occupants and requires good design to contribute positively to make places better for people.

- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi