

a) DOV/21/00150 - Erection of 2 replacement dwellings (existing dwelling-houses to be demolished) - Fourwinds and Hillside, Pommeus Lane, Ripple

Reason for report – number of contrary views

b) Summary of Recommendation

Planning permission be refused

c) Planning Policy and Guidance

Development Plan

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

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. Ripple is a Village; identified as a 'Tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Settlement Boundaries. Development not permitted outside urban or rural boundaries unless alternative policies allow.
- DM8 – Replacement dwellings
- DM11 – Location of Development and Managing Travel Demand
- DM13 – Parking standard
- DM15 - states that development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:
 - i) In accordance with allocations made in 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
 - v) It does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

- DM16 - states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
 - i) It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - ii) It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

Dover District Council Local Plan 'Saved' Policies (DDLPP)

There are no saved local plan policies that are relevant to this application.

Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

National Planning Policy Framework (NPPF) 2021

The Framework sets out the Government's planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

At paragraph 8 - sustainable development has three overarching objectives – an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways, seeking net gains across each.

Paragraph 11 - identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits.

Paragraph 38 - local planning authorities should approach decisions on proposed development in a positive and creative way, and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 92 – planning should aim to achieve health, inclusive and safe places which promote social interaction; are safe and accessible; and enable and support healthy lifestyles.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

Paragraph 119 – planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – planning policies and decisions should support development that makes efficient use of land, taking opportunities to achieve net environmental gains.

Paragraph 124 – in achieving appropriate densities, planning decisions should take into account the need for housing and the availability of suitable land to accommodate it; availability / capacity of infrastructure and services; the desirability of maintaining an area's prevailing character and setting; and the importance of well-designed, attractive and health places.

Paragraph 126 – the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 – planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, for the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport; and
- create places that are safe, inclusive and accessible with promote health and wellbeing, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life

Paragraph 131 – trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.

Paragraph 132 – design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 134 – development that is not well designed should be refused; but significant weight should be given to schemes that reflect local or national design guidance.

Paragraph 152 – the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise, vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

Paragraph 174 – planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; recognising the wider benefits of ecosystem services, as well as the intrinsic character and beauty of the countryside; and minimise impacts on and provide net gains in biodiversity.

Paragraph 182 – 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, unless an appropriate

assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 180 – planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Other Documents

The Kent Design Guide (KDG)

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

Consultation Draft Dover District Local Plan (2021)

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. But it is still at an early stage in its preparation, with the Regulation 18 consultation closing on 17 March 2021. In accordance with paragraph 48 of the Framework, whilst the draft Dover District Local Plan is a material consideration, only limited weight should be afforded to it at this time.

Other Material Considerations:

- Planning Policy Guidance
- Kent Design Guide (2005)
- National Design Guide (2019)
- Dover District Landscape Character Assessment (October 2020)

d) Relevant Planning History

None.

e) Consultee Responses and Third-Party Representations

KCC Archaeology: The site lies within an area of multi-period archaeological potential. Evidence in the form of crop marks indicative of later prehistoric enclosures and ring ditches are recorded within c.50m west of the site. The proposed development has the potential to impact on below-ground archaeological remains at the site. As there is likely to have been some impact from past development I recommend that in the event that planning permission is granted the following condition be applied to any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Ripple Parish Council: In principle, no objections were raised for the development. However, the council are opposed to the use of composite for the cladding and would like to see the use of real wood, thus ensuring the buildings achieve a 'weathered' look over time to be more in keeping with the barn look they are aiming to achieve.

Sutton By Dover Parish Council: The Council object to the application for the following reasons:

1. The size of the proposed buildings do not fit in with the surrounding countryside.
 2. The proposed buildings will be much more imposing and easily visible from the Ripple end of Vale Road and from footpaths EE424, 421, 423A and 422.
- The Council would look more favourably on an application for single storey buildings.

Third party representations 10 letters of support have been received citing the following:

- Improvement on the existing accommodation which is an eyesore of 2 dilapidated bungalows
- The scale and design is reminiscent of agricultural buildings and will sit well in the rural surroundings
- A quality development that will raise the profile of the village
- Sympathetic design, contemporary, great example of a green, sustainable, tasteful development that will improve views across the fields
- Economic benefits for local trades and material suppliers
- Will allow site to be used to full potential and make no difference to the landscape as there is already a dwelling in situ

f) **The Site and the Proposal**

The Site

- 1.1 The site is located outside the settlement confines of Ripple on the western side of Pommeus Lane to the south of the settlement. The application site is approximately 0.67 hectare in size and comprises two existing dwellings that front the lane. The plot to Hillside is slightly larger than Fourwinds. Site levels drop away from the roadside. Access to the site is available off Pommeus Lane where views into the site are available. There is planting to most of the boundaries and a denser area of planting towards the southern edge.
- 1.2 The site is not within a conservation area or contains any designated heritage asset. It is outside of the Kent Downs AONB and is located within flood zone 1 (land at least risk of flooding).

The Proposal

- 1.3 The application seeks permission for the erection of two 4 bedroom dwellings (reduced in scale from 5 beds) as replacement for the existing two x 2 bedroom bungalows of somewhat neglected condition. It is suggested in the application that the design is based on a large farmhouse style.
The application has been submitted with the following supporting documents:

- Planning Statement
- A Visual Impact Assessment

- 1.4 The submission describes the proposal as follows:

- *build a thermally efficient home for our family, which has the potential for living space for aging family members.*
- *replace with a better quality build which is more sustainable.*
- *introduce electric charging stations for vehicles and air source heating.*
- *improve access to properties from the road making it safer for those using the road in and out of the village*
- *make the most of the plots and their beautiful vista's by sitting the homes into the landscape using natural and low key features in construction, with a simple design sympathetic to their surroundings.*
- *build attractive homes under planning regulations, rather than adding to the poorly constructed properties within permitted development rights.*
- *retain a number of the established trees and shrubs on the plots and to introduce landscaping to embrace the plots and their surroundings.*

1.5 In essence the proposal is for two substantial new build dwellings in favour of the existing dwellings. The proposed dwellings would have a palette of materials as follows:

- Slate roof
- Burnt Siberian larch and stock brick for walls
- Black aluminium windows and door frames

Assessment

Main Issues

2.1 The main issues for determination are as follows:

- The principle of the development
- The design
- Impact on the character and appearance of the locality
- Impact on ecology
- Other material considerations

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 the plan, unless material considerations indicate otherwise.

2.3 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.

2.4 The site is located outside of the defined settlement confines, however policy DM8 facilitates replacement dwellings in the countryside subject to specific criteria.

'Proposals for replacement dwellings in the countryside will only be permitted if the existing dwelling is:

- A permanent structure in lawful residential use;
- Capable of continued residential use; and

- Of no architectural or historic value;

And its replacement is:

- Acceptable in terms of flood risk;
- Appropriate in its siting, scale and site coverage having regard to the existing dwelling;
- Appropriate in its style, form and use of materials; and
- Would not harm the character of the countryside

- 2.5 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 and in this location the occupants of the development would most likely be reliant on the use of the car to travel in order to reach all of the necessary day to day facilities and services. The existing lawful use of the site is a material consideration that needs to be weighed in the balance when considering this policy.
- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. It is considered that the development would result in an adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. This proposal would therefore be contrary to Policy DM15.
- 2.7 Policy DM16 states 'Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
- It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level'
- 2.8 Whilst the development is being considered against policies DM1, DM8, DM11, DM15 and DM16 and notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 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 delivered less than 5% of the Housing Delivery Test requirement over the previous three years) 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.
- 2.9 Having regard for the most recent Annual Monitoring Report, the Council are currently able to demonstrate a five-year supply. The council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.10 An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a

material consideration which indicates that permission should be granted) will be undertaken within this report.

Design

- 2.11 The application is bold in its statement that the 'development has deviated away from the local vernacular as an opportunity to improve design standards and go for something far more impressive.'
- 2.12 Design can be subjective and personal and what is considered as 'impressive' by one person may not be the case by another. Design therefore needs to take into account setting, as whilst the design of the proposed dwellings may be suitable when taken in isolation, this does not translate to being appropriate and sensitive to a rural setting. It is stated that the dwellings are in keeping with other dwellings in the proximity but it is not clear which dwellings reference is being made to. As can be seen from the location plan the site does not relate spatially to other properties within the locality and the reference to other houses in this area being bigger than average for Dover is of no relevance as clearly there is much variety in size and scale within the District – often influenced by the setting i.e. urban or rural; within or outside settlement confines.
- 2.13 The proposal has been amended since its first submission as follows:
- A reduction in the overall layout footprint
 - Properties moved further into the site and set at a lower level
 - A slight variation in materials between the two proposed dwellings
- 2.14 If the proposal is trying to emulate farm buildings, then it fails to achieve this as you would not expect two buildings of such scale and size in a uniform setting resembling each other.

Impact on the Character and Appearance of the Locality

- 2.15 The main issue in this application is whether the proposal would constitute an acceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development and the effect on the character and appearance of the countryside.
- 2.16 The proposal would introduce a much greater scale of built development with a substantial footprint together with a larger proportion of the existing two plots being given over to hardsurfacing to provide driveways and parking for 5 cars per plot. The increase in travel from the sites is not considered in the spirit of policy DM11, however due to the presence of two existing dwellings it is not considered the additional level of activity due to larger family homes would carry great weight on sustainable travel grounds.
- 2.17 The proposals would significantly increase the mass and bulk of built development on this currently low key site. Although parts of the site are unkempt in appearance and the properties somewhat neglected, this is not in itself justification for allowing development of the scale and impact that are proposed and the resulting impact on the landscape character of the area.
- 2.18 A landscape assessment has been provided by the applicant in order to demonstrate that the proposed development would have limited impact on the wider landscape setting. However, in immediate and short distance views from the entrance and at various points along Pommeus Lane (including some important views which have not

been covered in the applicants assessment) the proposal would be seen and would constitute a significant change and have a significantly more obtrusive impact than the existing built form. The character of this area of Ripple is very much open views, undulating land form with views from various PRoW. The site is surrounded on all sides by open fields. The assessment is that the proposal would introduce a significant mass of built development, not currently present in such form, at a point where the landscape is largely uninterrupted views – a point that is acknowledged by the applicant in their desire to maximise outlooking views from the proposed properties. The applicant has stated:

“Whilst we have not employed an outside agency to undertake an LVIA as asked for by the planning officer, we spent time taking photos from key vantage points on the footpaths in question for the above application (Photos dated 9th June 2021). The majority of tree coverage at Fourwinds and Hillside is evergreen, so although the time of year will have an impact on what is on view, it does not change significantly in the winter time. The nearest footpath EE424 ranges in distance from 250m -500m and as we get to EE421 the distance is well over a 1000m away. We believe that the proposals in their adjusted form will be no more noticeable than what is currently on either site. We base this on the fact that the materials and colours being used will blend in far better than what is already there and the fact that both proposed dwellings are now smaller and cut into the chalk further ultimately bringing the ridge lines of both proposed and existing dwellings closer to one another. We hope very much to create something which will improve the visual aspect from all footpaths and be an asset to both Ripple and Sutton parish and give the site what we believe it deserves.”

It is apparent that the applicant believes in the scheme as an appropriate form of development for the locality. However, the assessment of this application is that even taking into account natural screening, setting the development into the ground, the fact that there are existing residential properties on the site, this proposal will represent a bold development in a fairly isolated location. Views of the development will be noted in the landscape from the surrounding landscape and it is considered that this would be a substantial intensification of built form in the countryside compared with the existing, causing significant and demonstrable harm.

Impact on Ecology

- 2.19 No ecological surveys were submitted with the application. No information has been provided with regard to biodiversity enhancements. There may be potential for ecology on the site due to long grass, general undergrowth and largely unkempt appearance of the site.

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

- 2.20 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.
- 2.21 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.

- 2.22 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.
- 2.23 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.
- 2.24 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.

Balance of Issues

- 2.25 In terms of policy DM8, replacement dwellings are required to adhere to the following:
- i) Acceptable in terms of flood risk;
 - ii) Appropriate in its siting, scale and site coverage having regard to the existing dwelling;
 - iii) Appropriate in its style, form and use of materials; and
 - iv) Would not harm the character of the countryside
- 2.26 The site is not subject to concern over flooding. With regard to bullet points ii – iv these reflect the concerns expressed throughout the report in relation to the acceptability of the proposal. There are few benefits to this applications, particularly as it would not provide any additional dwellings to help meet the need for housing. One benefit, which is considered to carry only limited weight, is the economic benefit during construction. Otherwise, the development is in an unsustainable location (albeit the additional journeys would be limited) which would result in the loss of existing buildings to be replaced by new buildings. The replacement buildings would cause a significantly greater impact on the character and beauty of countryside than the existing dwellings. For the reasons set out in the report it is considered that the adverse impact of the proposal outweigh the benefits.

3. Conclusion

- 3.1 It is therefore concluded that the proposed development would comprise an unacceptable form of development with particular regard to the provisions of local and national policy in respect of the location of development and the effect on the character and appearance of the countryside. It would conflict with Policies DM8, DM15 and DM16 of the Core Strategy and Sections 77 and 78 of the Framework, as referenced above.
- 3.2 The adverse impact on the character and appearance of the countryside that would arise from this proposal would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

g) Recommendation

Planning permission be REFUSED for the following reasons:

- I The proposed development, if permitted, by virtue of its siting, size, form, materials and scale, would result in an incongruous and intrusive form of development, bringing about significant harm to the character and appearance of the countryside exacerbated by there being two new dwellings of such impact. The proposal would be viewed from nearby public rights of way and would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM8, DM15 and DM16 of the Dover Core Strategy and NPPF paragraphs 130 and 174.
- 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

Amanda Marks