

- a) **DOV/20/00453 – Erection of 3 holiday lodges, service cabin to include office and washroom, bin storage, retaining wall and track, additional car parking, turning area and alterations to existing vehicular access (existing fence, gate and outbuilding to be demolished) - Land at Woodlands, Preston Hill, Wingham**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Wingham is a Local Centre
- DM1, DM3, DM11 and DM15

National Planning Policy Framework 2021 (NPPF)

- Section 6 is relevant as it seeks to build a strong, competitive economy. Paragraph 84 supports a prosperous rural economy.
- Section 12 is relevant as the proposal should seek to achieve well-designed places.
- Section 15 seeks to conserve and enhance the natural environment.

The Kent Design Guide (KDG) (2005)

National Design Guide (2019)

Regulation 18 Consultation on the Draft Local Plan

The Draft Local Plan has undergone its first public consultation exercise, which expired in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

- d) **Relevant Planning History**

No planning history relating to the application site is relevant to the current application.

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

The proposal has been amended from its initial submission and two consultations of the application have taken place.

Wingham Parish Council: No objections are raised to the application.

KCC PROW Officer: Public Right of Way EE168 passes to the north of the proposed site. Under the first consultation, an objection was raised by reason of a 1.8m high woven fence being erected along the boundary between the

public footpath and the application site – which would harm the enjoyment of the woodland footpath and views of the coppiced woodland.

The objection was withdrawn following further consultation with the agent, as a native hedge is proposed along the boundary, in addition to additional woven wattle fencing.

Environmental Protection: No objections are raised. In terms of noise from the use of land at this location, the development is relatively small and there are no concerns that this will impact significantly on residential amenity of other residential properties in the area provided the use as a holiday business is managed adequately.

Southern Water: Requires a formal application to connect to the public sewer that crosses the access to the site.

Kent Fire & Rescue Service: Seeks to draw attention to off-site access being satisfactory, whilst on-site access to cabin 1 being inadequate. However, the issue around on-site access will be dealt with as a Building Control matter.

A further response was provided setting out how a domestic sprinkler hose would enable on-site access requirements to be met.

Kent Highways: No objections are raised subject to the imposition of conditions.

Tourism & Visitor Economy Manager: “This proposal is an opportunity to positively improve tourism and boost the visitor economy in not only Wingham, but across Dover District as a whole. An opportunity that is extended by the development’s proposed quirky and innovative accommodation and clear focus upon creating individual experiences for staying guests. This individual, tailored and experience focused ideology is in tune with the emerging Dover District Council ‘Tourism & Visitor Economy Strategy’.”

Tree Officer: Raises no objections subject to the imposition of conditions that address the matters set out in the submitted Tree Protection Plan and Arboricultural Method Statement.

Natural England: A likely significant effect on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar site) cannot be ruled out due to the increases in wastewater from new developments coming forward in the River Stour catchment.

Public Representations: There have been 25 representations received from the public consultation. Of these, 9 responses raise objections, and 16 responses support the application. The objections can be summarised as follows:

- Harm to highway & pedestrian safety
- Harm to visual amenity and character of the area
- Harm to living conditions of near neighbours by reason of overlooking and loss of privacy, noise, disturbance, light pollution, rubbish, vermin and anti-social behaviour
- Harm to health and well-being
- Increase in crime
- Lack of security

- Structural damage to bank along the access to the other nearby residential properties

The supporting comments can be summarised as follows:

- The use would bring visitors to the area and would benefit the local economy
- There is a lack of guest accommodation in the area
- The use will provide employment
- The proposal would safeguard the countryside
- There would not be a significant increase in traffic or highway risk
- The proposal is a good use of land

f)

1. **The Site and the Proposal**

- 1.1 The application site is located along, and with access from, Preston Hill, within a linear pattern of residential development. The site accommodates an extended single storey dwelling on an elevated position, above the level of the adjacent highway. The application building sits within quite generous grounds, with gardens to the south and east, which extend into and towards the woodland (Broomhill Wood) located to the east.
- 1.2 The extent of the designated settlement confines of the village reaches as far as the vehicular access but does not include the application site. As such, the application site falls within the countryside.
- 1.3 It is considered that whilst the curtilage of the application site includes part of the woodland (Broomhill Wood), the current 'garden area' does not extend as far as the woodland and as a matter of judgement, the proposed holiday lodges would be located outside the garden of the application property, although access and other ancillary development associated with the proposed accommodation would be within the existing garden area.
- 1.4 Public Right of Way EE19 runs alongside the northern side of the application site and forms part of a local network of footpaths (EE161, EE168 and EE41) that orientate around and through the woodland. The application site is visible from this footpath and the woodland.
- 1.5 Despite the application site being located outside the designated confines of the village, the footway leading to and from the village extends as far as the site on both sides of the road. There is no material or distinguishable visual break in built development between the buildings within and the buildings outside the designated village confines along this part of Preston Hill.
- 1.6 The vehicular access serving the application property also serves as a private road leading to other residential properties that front on to the private road and face toward the application site. These properties are likely to be those most affected by the proposal.

- 1.7 The proposal comprises the erection of 4 outbuildings on the site: three would be used as holiday cabins and one would be used as an ancillary building. The cabins are proposed on the eastern part of the site. They are individually designed and would comprise a double bedroom, snug, kitchenette, shower room and outside verandah (for sitting out and to use a hot tub). Services would be connected to the existing, host property. The ancillary building would be closer to the main property and would accommodate an office, laundry area and a covered shelter for cycles. The refuse facilities would be located on the edge of the car parking area behind an existing garage building.
- 1.8 A number of trees have already been cut down to accommodate the proposal. The proposal includes a managed re-growth of trees to provide natural screening around the cabins. New native planting and other landscaping are proposed.
- 1.9 Access to the cabins would be from the existing private road, with access from Preston Hill. This would lead to a graveled parking area (gravel to be set within a geo-grid base). The parking area would be served by electric vehicle points and would have boards to prevent gravel spilling outside the site.
- 1.10 Along the southern and northern boundaries of the site, woven timber and wattle fences are proposed, supplemented with native planting. Some fencing along the southern boundary is proposed to be removed and replaced.
- 1.11 To the front of the site, within and along the front garden, the grassed bank is proposed to be cut back and replaced with timber sleepers, fencing and new steps.
- 1.12 The application is supported by a Planning, Access and Design Statement, an Ecological Appraisal and an Arboricultural Report. The Statement states that the aim is to create an eco-friendly, upmarket luxury romantic holiday retreat for couples, enabling them to escape to nature, sleeping within the woodlands, listening to the wildlife, watching the stars and reconnecting with nature.

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 residential amenity
- The impact on highway safety
- Other Considerations
- The Planning Balance

Principle of Development

2.2 The application site falls outside the settlement confines of Wingham. As such, on its face, the proposal would be in conflict with the objectives behind Policy DM1. However, as the proposal falls within the grounds

of the applicant's existing property and where the business operation, the access and servicing will be connected with the host property, there is an element of the proposal being ancillary to the existing use and development on the site.

- 2.3 Policy DM3 allows new commercial development at a Local Centre. As the application site is adjacent to the extent of the confines of the settlement it is considered that the circumstances of this particular proposal, where it will be operated by the applicant and physically and functionally connected to the host property, the proposal is considered to be broadly compatible with the requirements of Policy DM3, providing that there are no other overriding constraints.
- 2.4 Policy DM11 seeks to manage travel demand beyond the rural settlement confines. The application site is adjacent to the confines of the village, and there are public footways leading to the village. There are also bus stops near to the site. It is considered that the full facilities and amenities of Wingham Village are within reasonable walking and cycling distance, and the location of the site and footways offer a realistic alternative to the use of the private motor vehicle for access to the village.
- 2.5 Paragraphs 84 and 85 of the NPPF recognise and promote the growth of new business in well-designed new buildings within the rural areas and seek to ensure that decisions recognise and accommodate sites within rural areas that might not be as well served by public transport. Sites physically well-related to existing settlements should be encouraged.
- 2.6 In conclusion, whilst there are elements of the proposal that are in tension with the policies in the Development Plan, it is considered that in principle the proposal is broadly in accordance with these policies and the objectives and requirements set out in the NPPF, subject to an assessment of the impact of the development.

Impact on Character and Appearance

- 2.7 The proposed development is within the existing grounds of the dwellinghouse and requires the removal of some outlying trees that would have probably formed part of the woodland to the east. The loss of the trees as a group, has a negative impact upon visual amenity and the open and rural character of this part of the site. This loss is visible from the public footpath.
- 2.8 A proportion of the existing coppice stools are proposed to be grubbed out, and the remaining area of sweet chestnut re-coppiced as part of the application proposal. Following completion of the construction works the area would continue to be maintained as sweet chestnut coppice on a five to seven-year rotation.
- 2.9 The mitigation for the loss of the sweet chestnut trees would be a managed re-coppicing and other native hedge planting that in combination would assist in providing a visual regeneration of this part of the site, and a natural setting for the proposed buildings.

- 2.10 It is considered that in the short-medium and longer term there would be adequate landscaped regeneration of the area of the site that would balance the initial loss of visual amenity caused by the loss of the pre-existing trees.
- 2.11 The impact on the rural character and appearance of the area is considered to be moderately harmful, but this harm would be reduced over time.
- 2.12 The design of each of the proposed cabins varies. Two appear as 'hobbit' type pods and the other has a higher eaves height to accommodate a bedroom on a mezzanine floor. This cabin is proposed in the centre of the site further from the flank boundaries. Although the cabins would be visible from the footpath and the woodland beyond the rear boundary of the site; their modest scale, 'quirky' design and appearance and the use of timber materials should ensure that they do not appear prominent amongst the degree and type of planting and fencing proposed, or intrusive within the grounds of the host property and prevailing rural character and appearance of the area.
- 2.13 The proposed outbuilding (Cabin 4) to accommodate the office and laundry area has been reduced in scale since the application's initial submission. The proposed use of the building is of a small scale and would appear to be necessary for the proper function of the holiday cabins. Its location along with the additional hardsurfaced area for parking in the garden of the property would be mostly hidden from views from the highway and would take place behind an existing garage building serving the dwelling. As such, these components of the proposal, within the garden of the house, would not have a material impact upon the character and appearance of the area.
- 2.14 The proposed changes to the front garden area to re-grade the existing garden slope/bank and to replace this with retaining structures will vary in height between 1.1m and 1.3m. These structures, although visible from the highway, would not appear untoward within the context of the street scene.
- 2.15 In conclusion, the proposal would cause moderate harm to the character and appearance of the area, but this would be adequately mitigated through the proposed regeneration of the coppiced area and additional planting and boundary enclosures.

Impact on Residential Amenity

- 2.16 The proposal would be visible from the residential properties that adjoin the private road/access serving the application site. There is a fall in the topography of the land, such that the eastern section is higher than the western section. The eastern section would be visible from the upper floors of the adjacent properties in particular, whereas the western section of the site would be more visible from the ground floor and front gardens of those residential properties and the private road. However, It is considered that there is suitable separation and proposed screening between the cabins and those adjacent residential properties to avoid an unacceptable levels of inter-visibility, overlooking and loss of privacy.

- 2.17 The proposal would result in additional parking of vehicles and levels of activity on the site, above those that would normally be expected from a family dwellinghouse. The proposal, as a maximum capacity, would accommodate 6 additional persons (2 persons per cabin) during the season – which is mid-March to late December each year. It is also realistic to assume that couples would mostly come by single car – which would mean that there would be an additional 3 cars on the site at any one time, with the possibility that a cleaner and/or ‘handyman’ might also be on site.
- 2.18 In view of the scale of development, the proximity of the site to the village, and pedestrian access to the surrounding countryside, it is considered that there is unlikely to be a continuous flow of vehicles coming and going to and from the site even with all the cabins being occupied at the same time. In view of this, whilst it is accepted that the proposed parking and access arrangements would give rise to some harm during the day and night this is not considered to be so material so as to warrant a refusal of the application.
- 2.19 The comments from Environmental Protection (above) raising no objection on the basis of noise will be noted – assuming of course that the site will be well managed.

Impact on Highway Safety

- 2.20 Kent Highways has advised that subject to the imposition of conditions, the proposal is acceptable on highway safety grounds. This does not negate the view of local people that the increased use of the access and parking area is a cause for concern; however, the proposal is not considered to directly or automatically give rise to conditions that would harm pedestrian and highway safety.

Other Considerations

- 2.21 The main issues for consideration have been set out earlier in this report. The other issues raised through the public responses following the consultation of the application have been taken into account but are not considered to give rise to material harm or impacts.
- 2.22 The response from Natural England (NE) is an outstanding matter. The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the ‘competent authority’, to carry out the assessment.
- 2.23 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by NE that
- 2.24 increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special

Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.

- 2.25 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works, the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.26 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.
- 2.27 The above results were presented to NE in mid-2021. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.28 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The results of this have been presented to NE who have to date, maintained their position. We remain in discussion with NE and are considering all options.
- 2.29 The current application, along with many other [housing] proposals in this part of the district, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets, in particular. Given the delays caused by this issue and the progress made so far with the advice provided by our consultants and discussions with NE ongoing, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the applicant some comfort. The recommendation is framed in recognition that the application can only be approved on the

basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved

The Planning Balance

- 2.30 The planning application should be considered in the planning balance. The proposal does not fit squarely with Policies DM1, DM3, DM11 and DM15; however, it is considered that overall, the principle of the development is acceptable in this location, and there is only a moderate degree of harm caused by the proposal.
- 2.31 Weighing the harm against the benefits of the proposal, the development is recognised and supported for its benefits to the local and wider economy and how it might assist in supporting the vitality of the village through increased patronage. In addition to the economic benefits the proposal provides a degree of social benefit for staying guests.
- 2.32 The policies which are most important for determining the application are DM1, DM3, DM11 and DM15. Policies DM1 and DM11 are in tension with the NPPF and are considered to be 'out of date' for the purposes of Paragraph 11(d) of the NPPF. As such, less weight can be given to the conflict of the proposal with these policies in the determination of the application. Policies DM3 and DM15 in substance are broadly in accordance with the NPPF, and so it is considered that full weight can be given to these. In applying what is known as the 'tilted' balance (where policies are considered to be out of date with the NPPF) the decision maker should grant permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 2.33 It is considered that as a matter of judgement that the significance of the adverse impacts arising from the scheme do not demonstrably outweigh the benefits. This means that the application should be supported.

3. Conclusion

- 3.1 The proposal seeks to provide holiday accommodation in the form of the erection of 3 cabins for staying guests and an additional cabin for ancillary floorspace to assist the operation of the holiday accommodation. Other ancillary works and operations are proposed.
- 3.2 It is considered that the proposal broadly meets the requirements of the Development Plan. Where there is conflict with the requirements of the Development Plan and NPPF in relation to the impact on the character and appearance of the area and on the amenities of nearby residents, it is considered that this harm is moderate and is outweighed by the significant benefits of the proposal.
- 3.3 Conditions are recommended to be imposed on the resolution to grant planning permission. With regard to the response from the Council's Environmental Protection Officer, it is considered that a condition to retain the physical and functional link between the host property and the holiday accommodation and its ancillary development and land are

important to ensure suitable management of the site, natural surveillance, and the avoidance of conflicts in how the land is used.

- 3.4 Subject to the need to address any likely significant effect on the designated Stodmarsh Lakes and for an Appropriate Assessment to take place in the future, the application is supported by the officers.

g)

Recommendation

- I SUBJECT TO the local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as/if necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved, PERMISSION BE GRANTED subject to the following conditions:

- i) Standard 3-year implementation period
- ii) Development in accordance with the approved plans.
- iii) The buildings shall not be used or occupied for any purpose other than as holiday accommodation by persons whose only, or principal, home is situated elsewhere.
- iv) The use of the holiday accommodation shall only take place between 1 March and 1 January in any given year.
- v) The use of the land shall not be functionally or physically separated from the existing dwellinghouse (Woodlands) on the land
- vi) Details of material proposed for the external finishes of the buildings shall be submitted for approval before the construction of the development takes place above ground level
- vii) Details of the means to dispose of surface water and foul water drainage from the site shall be submitted for approval prior to works commencing.
- viii) Details of native planting species, enclosures and landscaping to be submitted for approval before the construction of the development exceeds ground level
- ix) The recommendations within the Ecological Appraisal for protecting biodiversity during development and increasing biodiversity post construction shall be fully implemented
- x) The tree protection measures identified in the Arboricultural Report shall be fully implemented during the construction of the development
- xi) Mitigation measures as identified in the Arboricultural Report to be provided.
- xii) Detailed specification for no dig surfacing, temporary ground protection and foundations to be submitted for approval
- xiii) The submission of a coppice management plan for approval and retention thereafter.
- xiv) A Construction Management Plan to be submitted for approval
- xv) Completion and maintenance of the access arrangements prior to the use commencing

- xvi) Provision of the visibility splays shown on the approved plans and their retention thereafter
- xvii) The provision of 3 electric vehicle chargers prior to the use commencing and their retention thereafter
- xviii) Parking spaces as shown on the approved plans shall be provided before first use and retained thereafter
- xix) Cycle, refuse and recycling facilities to be provided before the first use of the development and retained thereafter
- xx) Details of lighting to be provided on the site and on the outside of the buildings hereby permitted shall be submitted for approval before the use first commences

II Powers to be delegated to the Planning and Development Manager to resolve details of any necessary planning conditions and/or legal agreements and matters covered in recommendation I above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by the Planning Committee.

Case Officer

Vic Hester