

- a) **DOV/21/01926– Erection of a detached dwelling (existing agricultural building to be demolished)**

Upper Goldstone Farm, Cop Street Road, Ash, CT3 2DN

Reason for Report: Number of contrary views (9)

- b) **Summary of Recommendation**

Planning Permission be GRANTED

- c) **Planning Policy and Guidance**

Dover District Core Strategy (2010)

CP1, DM1, DM11, DM13, DM15 and DM16

Regulation 18 draft Dover District Local Plan

The consultation draft of the Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (early), 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 Planning Policy Framework (2021) (NPPF)

Paragraphs 2, 7, 8, 11, 130, 174

Kent Design Guide

National Design Guide

Nationally Described Space Standards (2015)

Ash Neighbourhood Plan (2021)

- d) **Relevant Planning History**

DOV/16/01154 - Prior approval for the change of use of two agricultural buildings into a dwellinghouse. Approved.

DOV/19/00380 - Prior approval for the change of use from two agricultural Buildings to two dwellings (C3) and associated building operations. Prior approval required and refused.

DOV/19/01213 - Prior approval for the change of use of an agricultural building to dwellinghouse – Prior Approval Refused and allowed at appeal June 2020 under reference APP/X2220/W/19/3243148

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

Ash Parish Council – No comments received

East Kent Public Rights of Way - No comments to make

Southern Water – no objections raised – information provided for the applicant.

Third Party Representations - A total of 9 individuals have raised objections to the proposal summarised as follows:

- Footprint is too big compared to other nearby properties
- Two storeys is not sympathetic to the area
- Use of fallback position with obtaining Prior Approval could set a precedent.
- Loss of privacy to neighbouring properties due to addition of first floor
- Overdevelopment of the site
- Extra traffic to a busy road
- Light pollution from new property
- Loss of views to Richborough

In Addition, 3 comments were received in support of the proposal:

- Converted buildings do not require a high level of insulation and energy efficiency.
- An application rather than prior approval allows for better quality materials
- A greener build compared to prior approval schemes

1 The Site and Proposal

- 1.1 The application relates to two agricultural buildings set to the southeast of Cop Street Road, which lies outside of the settlement confines of Ash. The immediate area comprises two recently converted agricultural buildings to dwellings, The Hay Barn and The Oast House, with a Grade II listed building, Upper Goldstone Farmhouse located to the southwest. To the northwest of the site is a cluster of 10 residential dwellings.
- 1.2 The application is for the erection of a detached 3no. bedroom dwellinghouse and would include 2 parking spaces and a garden area to the north and south of the new dwelling. The dwellinghouse exhibits a 2-storey agricultural barn type design and would be finished in reclaimed red brick, with handmade clay roof tiles and timber and aluminium windows. The existing building which fronts Cop Street Road would be retained as incidental outbuildings to the dwelling to remove the need for new garden storage buildings and maintain the appearance of the site frontage from the road. The proposal also includes landscaping with the provision of/retention of hedgerows to denote the boundary of the dwellinghouse. The existing agricultural building would be demolished.
- 1.3 Prior approval has been granted for the conversion of the existing curved roof agricultural building into a 4-bedroom dwellinghouse.

2 Main issues

- 2.1 The main issues for consideration are considered to be:
 - The principle of the development
 - Impact on visual amenity and countryside
 - Residential amenity
 - Impact on nearby Listed Building
 - Highway Safety

Assessment

The principle of the 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 specifically justified by other development plan policies or it functionally requires such a location or is ancillary to existing development or uses.' This site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 Policy 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. As stated above, the proposed site is located outside of the settlement confines and is not justified by other development plan policies. The site is located approximately 1 kilometre from the Ash Bypass which would allow connections to both the village of Ash (approximately 1.2 kilometres away) which has a number of facilities and the wider area. However, the road connection between the site and the village of Ash, is such that occupants of the development would be reliant on a vehicle to travel in order to reach all necessary day to day facilities and services (for example secondary schools or grocery shops/supermarkets). That said, the development is contrary to DM11.
- 2.5 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. The development would result in a limited adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.6 Policy 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 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. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside and no significant adverse impact on the landscape. Consequently, the development would not conflict with DM16.
- 2.7 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy, but would accord with DM16. It is considered that these policies are also the most important policies for determining the application.

- 2.8 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.9 Having regard for the most recent Housing Technical Paper (2021), the Council are currently able to demonstrate a five-year supply. The council have delivered 80% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.10 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 557 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.
- 2.11 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Given the particular characteristics of this application and this site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives of the NPPF. Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intension of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.
- 2.12 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the sites appearance within open countryside does afford a contribution to the character of

the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.

2.13 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the DPD and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.

2.14 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.

2.15 Therefore, while it is considered that policies DM1, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF (2021), for the reason above some weight can still be afforded to the specific issues they seek to address., having regard to the particular circumstances of the application and the degree of compliance with the NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date. Having considered the Development Plan in the round, it is considered that the 'tilted' balance should be engaged and as such the application should be assessed in the context of granting planning permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for reusing 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.

An assessment of ii) will be made at the end of this report.

- 2.16 As part of this assessment, regard will be had to the 'fall-back' position afforded by the granting of prior approval DOV/19/01213 (see history section above) which granted permission for a single 4-bedroom dwelling on this site through the conversion of one of the existing agricultural buildings. This is considered to be an important material consideration to which significant weight will need to be given. If implemented, this 'fall-back' permission would allow for restrictive development that would fall within the confines of the existing agricultural building which has a curved roof. This 'replacement' new-build application is an opportunity to seek enhancements to the area by virtue of having a building that has the potential to sit more comfortably within the context of the site and the opportunity to including electric vehicle charging points, landscaping and the imposition of planning conditions that would not form part of a Prior Approval application and subsequent approval.

Impact on visual amenity and countryside

- 2.17 Paragraph 130 (f) of the National Planning Policy Framework sets out that 'planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' The National Planning Policy Framework continues at paragraph 130 (c) setting out that 'planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change'.
- 2.18 The site is outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policies DM15 and DM16.
- 2.19 The application site sits within a small cluster of residential properties on Cop Street Road in Ash. Whilst there is some variety in this area of Cop Street, the properties are traditionally designed, with similar proportioned buildings set within a regular pattern. The existing site contains agricultural buildings which are no longer used, adjacent to two properties which have been converted from agricultural use to residential and a farmhouse (Upper Goldstone Farmhouse). Whilst the proposed two storey dwelling would be larger than the neighbouring buildings, when viewed in context with the cluster of residential properties, would not result in an incongruous addition to the street scene.
- 2.20 The application site is set back from the road and would retain the front wall and the existing agricultural building which fronts Cop Street Road. Due to its location to the northeast of Cop Street Road, there would be limited views of the dwelling from the wider countryside, which, in any event, would be seen within the context of the existing cluster of development. Given the agricultural barn type form of the dwelling together with the use of high-quality materials, including handmade clay tiles for the roof, then it is not considered that the property would result in a visually dominant addition within the area. Due to its location, it is also considered that the development would preserve the intrinsic character and scenic beauty of the countryside, in accordance with Policy DM15 and the objectives of Paragraph 174 of the NPPF.

- 2.21 In respect of impact on landscape character, due to the location of the site being set within a small residential area, as well as screening from the wider area provided by the trees and planting and other nearby development, then there would be no harm to the character of the landscape. The proposal is therefore considered to accord with Policy DM16.
- 2.22 For the above reasons, the development is considered to be acceptable in this location and is not visually inappropriate to its context. It is therefore considered to preserve the character and appearance of the area in accordance with paragraphs 130 of the NPPF and policies DM15 and DM16 of the local plan.

Residential Amenity

- 2.23 Paragraph 130 (f) of the National Planning Policy Framework sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.24 The properties on Cop Street that face the application site would be approximately 30 metres from the first-floor windows of the application property. Concern was raised that the addition of a first floor in this application, compared to the building approved under Prior Approval would result in loss of privacy to the nearby properties. However, the location of the dwelling within the plot of land would focus views towards the parking area adjacent to 6 The Row, limiting any harmful overlooking. Notwithstanding this, given the separation distance of 30 metres between the properties, it is not considered that there would be any harmful interlooming as a result of the proposals.
- 2.25 Due to the separation distance between the proposed dwellinghouse and the nearby properties there will be no overbearing impact or overshadowing in line with the aims and objectives of the NPPF (2021).
- 2.26 In terms of the amenities of the proposed occupiers, the proposed three bedroomed dwelling would meet National Space Standards (NSS) and all habitable rooms would be naturally lit. It would be provided with a private garden with space for recycling storage. One of the agricultural buildings will be retained for use as a garden shed. As details of refuse storage (including the location of bins for refuse collection) has not been submitted, it is considered appropriate to suggest a condition is imposed in this respect. Subject to this, it is considered that the living conditions of future occupiers would be acceptable and would accord with paragraph 130 of the NPPF.

Impact on Listed Building

- 2.27 Paragraph 199 of the NPPF (2021) requires great weight to be given to the significance of a heritage asset, when considering development proposals which may affect its setting. To the southwest of the site is Upper Goldstone Farmhouse, a Grade II Listed building. The listing description is as follows:
“House. Mid. C18. Painted brick and plain tiled roof. Two storeys on plinth with plat band and boxed eaves to hipped roof with central stack. Regular fenestration of 3 glazing bar sashes on first floor and 2 on ground floor with segmental heads. Central Boarded door in slate roofed gabled porch. Built soon after the division of Goldstone manor in 1754”

- 2.28 Due to the traditional design and material finish of the proposed dwellinghouse, it is not considered that the proposed dwellinghouse would negatively impact the adjacent listed building. Furthermore, the proposed dwellinghouse is set further away from Upper Goldstone Farmhouse than the previously approved conversion, which would not have the same material finish and traditional design.
- 2.29 In addition to this, the setting of Upper Goldstone Farmhouse has changed over time, with agricultural buildings being converted to dwellinghouses. This has changed the setting from a working farm to a residential area, but still retains the significance of the listed building.
- 2.30 It is therefore considered that while the setting of the listed building has changed over time, due to its location, design and material finish, the addition of this property in this location would result in no substantial harm to the setting of the listed building and would be in line with the aims and objectives of the NPPF (2021).

Highway Safety

- 2.31 Policy DM13 sets out that dwellings of this size, in this location should provide 2 independently accessible off-street parking space. As this proposal includes 2 off road parking spaces, it is considered to accord with Policy DM13. Furthermore, concerns were raised regarding the additional traffic that this dwellinghouse would create onto an already busy road. As the application is for a single dwellinghouse, with 3no. bedrooms, it is not considered that the addition of a property in this location would create unacceptable additional pressure to the Cop Street Road or other nearby road networks.

Impact on Drainage

- 2.32 The application form states that surface water would be disposed of to a sustainable drainage system. Southern Water advise that further details should be submitted in respect of sustainable drainage systems, although raise no objection. Subject to the imposition of a condition requiring further details to be submitted in respect of the proposed surface water drainage, in order to reduce the impact of the development on flooding and manage run-off flow rates, the development is considered acceptable in this regard.

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

- 2.33 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. 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.
- 2.34 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes

disturbance, predominantly by dogwalking, of the species which led to the designation of the sites and the integrity of the sites themselves. 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.

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.

- 2.35 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3 Conclusion

- 3.1 Significant weight is applied to the requirements of the Development Plan and NPPF policies and the materiality of the recent decision (June 2020) that amounts to a 'fall-back' position. It is also acknowledged that the 'tilted balance' approach under paragraph 11 of the NPPF should be applied.
- 3.2 To be weighed in the planning balance are the benefits of the provision of new housing against the harm arising from the development and specifically the conflict with the development plan, travel impacts and the limited harm to the character and appearance of the area.
- 3.3 As set out in the report, it is considered that many of these impacts would be more than comparable to the extant permission for a single dwelling on the site, in fact there would be enhancements to the site if permission was granted including having a dwelling that is of a traditional form, utilising high quality materials and with the opportunity for landscaping..
- 3.4 The scheme would provide an additional dwelling which would be a modest public social benefit. There would be economic benefits in the form of construction jobs as well as the benefits of additional residents to Ash and support for local facilities and services. However, these benefits would be small given that they relate to a single dwelling.
- 3.5 The proposed design, appearance and layout of the development, are sympathetic to the local character of the surrounding area, and there would be limited harm to the environmental objectives linked to the character and appearance of the countryside.
- 3.6 Set against the requirements of the 'tilted balance', it is not considered the proposal would undermine any key aspects of policy in the NPPF and taking into account the availability of the fall-back position, any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework and taken as a whole. In the circumstances

of this case, it is considered that planning permission should be granted subject to the conditions specified below.

3.7 **g) RECOMMENDATION**

- I Planning permission be GRANTED, subject to the imposition of the following conditions:
 - (1) 3-year time limit for commencement
 - (2) Compliance with the approved plans
 - (3) Samples of materials
 - (4) Removal of existing barn
 - (5) Disposal of foul sewage details
 - (6) Drainage details
 - (7) Removal of PD rights
 - (8) Building to be incidental to main dwelling
 - (9) Landscaping scheme
 - (10) Rooflights condition
 - (11) External lighting shall be motion activated
 - (12) Refuse and recycling storage
 - (13) Provision and retention of parking spaces
 - (14) EV charging points

- II Powers be delegated to the Head of Planning and Development to settle any necessary issues in line with the matters set out in the recommendation and as resolved by planning committee.

Case Officer
Amber Tonkin