

- a) **DOV/22/00/01511 - Erection of a detached dwelling, relocation of existing stables, construction of retaining gabion wall, entrance gate, installation of ground-mounted solar panels and heat pump, associated landscaping and parking (existing dwelling to be demolished) - Wellington Fields, Lowslip Hill, West Hougham**

Reason for report – Called in by Cllr Jull to consider impact on AONB

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004 Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy (2010): Policies CP1, DM1, DM8, DM15 and DM16

Draft Dover District Local Plan (2022): The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. This 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. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. Policies SP1, SP13, SP14, CC1, CC3, PM1, PM2, NE1, NE2 and NE3.

Kent Downs Area of Outstanding Natural Beauty Management Plan 2021- 2026

National Planning Policy Framework (NPPF) (2021): Paragraphs: 7, 8, 11, 130, 174, 176, 177 and 180

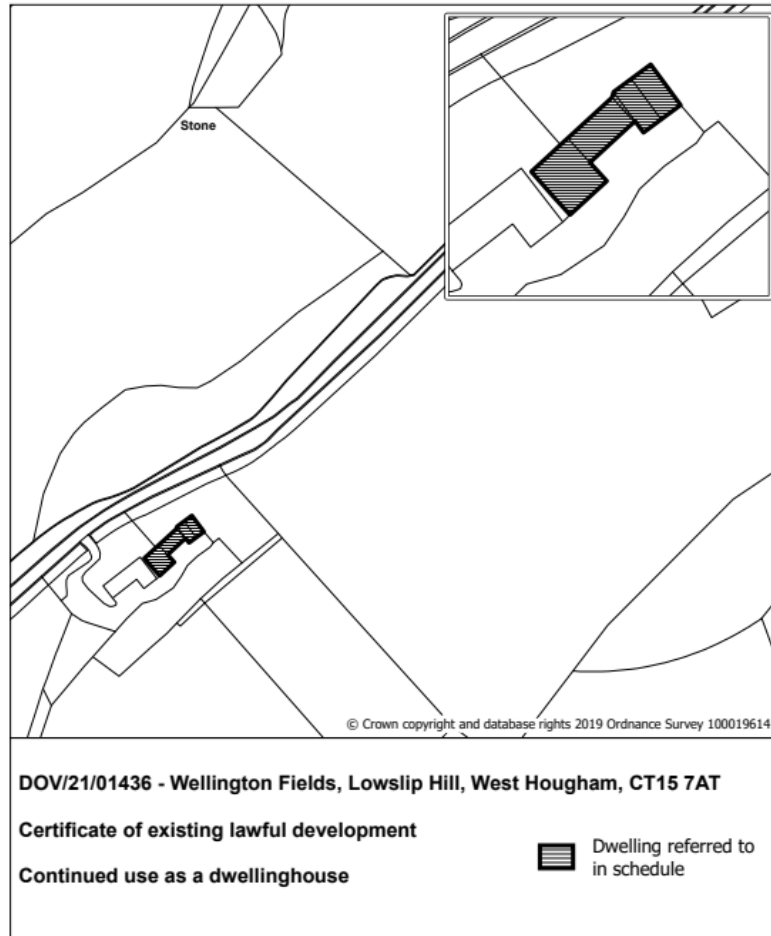
National Design Guide & National Model Design Code (2021)

- d) **Relevant Planning History**

DOV/94/00476 Change of use of land for the keeping of horses and the erection of a block of three stables tack room and hay store - Approved

ENF/19/00215 - material change of use of the land to a mixed use of keeping horses, siting of shipping containers for use as a dwellinghouse and various associated forms of operational development including hard surfaces, decking, solar panels, wind turbines and domestic paraphernalia. - Enforcement Notice served in May 2021 and appeal submitted. The applicant indicated they had sufficient evidence to support an application for a certificate of lawful use for residential occupation and the Enforcement Notice was withdrawn.

DOV/21/01436 Certificate of Lawfulness (existing) for the continued use as a dwellinghouse - approved. The Lawful Development Certificate related only to four identified structures at the site which formed the dwelling. The application did not certify the lawfulness of any associated land as garden or curtilage.



Fig

1

DOV/21/01436 Certificate of existing lawful development - Decision Plan

e) Consultee and Third-Party Representations

Representations can be found in full online. A summary has been provided below:

Parish Council: resolved to not support the application on the basis that it sets a potential precedent for further development outside the village envelope and on areas of AONB.

Southern Water: Any sewer found to be crossing the site should be investigated to establish ownership.

Kent PROW Officer: no comments

Kent Downs AONB Unit: The proposal is for a replacement dwelling of larger and more permanent construction and involves the relocation of the stables slightly further from the dwelling. Whilst the AONB Unit would not normally be supportive of a flat roofed design, in this instance the incorporation of a flat roof would help reduce the visibility of a new building in the wider landscape. The proposed stables and solar panels are not likely to result in any significant impacts to the AONB. Initial feedback noted that the submission did not address the potential visual impact of the development. There was concern about the use of white render as an external finish and alternative materials were suggested to produce a more muted colour tone. The incorporation of a chalk grassland roof was also suggested. Wider benefits to the site were

recommended including a mixed native species hedge along the north eastern boundary (to the south of the red line boundary).

In response to amendments, Kent Downs AONB Unit confirmed agreement to the reduction in the amount of render and a change in colour from white to grey (whilst noting that grey render is not distinctive in the AONB). In addition, the use of cladding and flint panels for the exterior of the proposed dwelling are considered appropriate choices for this sensitive site.

Third party Representations: None received.

f) **1. The Site**

1.1 The application site lies on the south eastern side of Lowslip Hill outside of the settlement confines of West Hougham and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site consists of a residential property, stable building and equine grazing land being reached via an access track that leads down steeply from Lowslip Hill. The site is located towards the bottom of a valley with wooded areas to the north, west and east which provide effective screening.

1.2 The site is occupied by a dwelling known as Wellington Fields that was converted from steel containers in 2015 and now benefits from residential use as approved under a Lawful Development Certificate. The containers have been clad and converted to provide living accommodation including a lounge/study, toilet, washing facilities, kitchen and bedroom. The containers have been adapted to provide internal access between them and have external door and window openings.

1.3 A block of three stables with storage is situated to the south west of the dwelling and was erected in 2002 in association with the use of the land for the grazing of horses. The timber stable building is L shaped, has a very low ridged roof and a modest appearance.



Figure 1 Application site

The Proposal

- 1.4 A full application is sought for the erection of a dwelling to replace the property known as Wellington Fields, which benefits from a Lawful Development Certificate granted under reference DOV/21/01463. The proposed three bedroom dwelling would be located in the same position as the existing property and is shown as having a single storey flat roofed design.
- 1.5 In addition, permission is sought to relocate the existing stable building to the south of the access track and provide three parking spaces on the site of the existing stables. The authorised equine use of the site will remain with the revised location of the stables chosen to provide improved access to the adjacent fields. Some cutting into the slope of the site will be required in association with the proposed relocation of the stable building and a gabion wall will be provided to the rear of the structure.
- 1.6 It is also proposed to site 4 ground mounted solar panels to the north east of the dwelling to achieve a carbon reduction. These would be positioned on steel frames with below ground concrete pads. The panels would have a combined width of 6.8m with the upper height being approximately 0.8m above ground level. It has been indicated that biodiversity enhancements such as bird/bat boxes, hibernacula and wood piles would be included as part of the scheme. The gabion baskets could also provide a habitat for invertebrates.



Figure 2: Proposed Block Plan

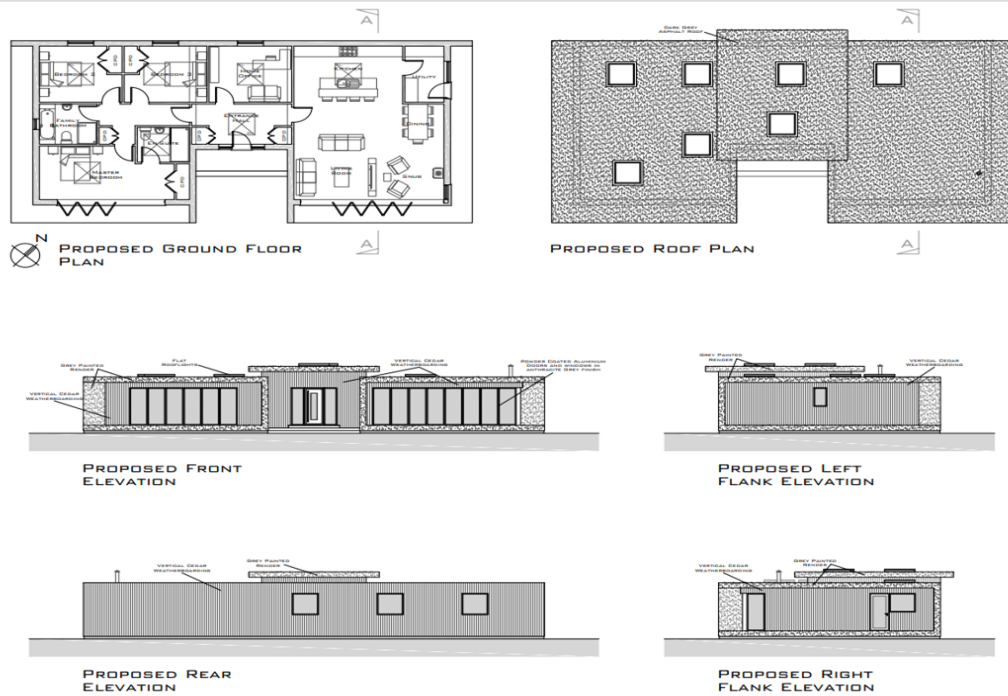


Figure 3: Proposed Plans

2. Main Issues

2.1 The main issues for consideration are:

- Planning background and principle
- Impact on the AONB and landscape/visual amenity
- Other material considerations

Assessment

Planning Background and Principle

2.2 In relation to the planning background, an Enforcement Notice was served on 28 May 2021 against what, at the time, were perceived to be a number of unauthorised uses/activities at the site, including the use of several containers as a dwellinghouse. An appeal was lodged against the enforcement notice and, in lodging the appeal, the applicant presented further evidence. This led to withdrawal of the enforcement notice and the related appeal did not proceed. This action was taken on the understanding that the landowners would submit an application seeking a Lawful Development Certificate.

2.3 The Enforcement Notice originally included additional development on another part of the site. The Enforcement team were advised that those activities/uses had ceased and to that extent the terms of the (now withdrawn) notice appear to have been complied with. No substantive evidence was submitted regarding the extent of any “curtilage” to the dwelling, nor when this might have been established (nor, indeed whether the extent may have changed over time). The relevant period for establishing a lawful use of land is ten years (rather than four years for occupation as a dwelling).

- 2.4 The Local Planning Authority was satisfied on the basis of the evidence submitted with Lawful Development Certificate application (DOV/21/01436) and on the balance of probability, that the use described had been carried on in excess of 4 years. The Decision Notice only related to the use of the identified containers as a single dwelling within Class C3. In the light of the above planning history, it is not under this current application to reassess the principle of a dwelling, as this has already been lawfully established.
- 2.5 Policy DM8 concerning replacement dwellings is relevant and outlines various considerations. It states that replacement dwellings 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. The replacement structure should be:
- a) acceptable in terms of flood risk,
 - b) appropriate in scale, siting and site coverage compared to the original
 - c) appropriate in style, form and use of materials and
 - d) would not harm the character of the countryside.
- 2.6 There are no implications in terms of flood risk for this site. The other aspects of policy DM8 are considered further below.

Impact on AONB and Landscape/Visual Amenity

- 2.7 The statutory duty prescribed by Section 85 of the Countryside and Rights of Way Act 2000 needs to be fully recognised. This requires that in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the AONB. The NPPF states that planning decisions should ensure that developments 'will function well and add to the overall quality of the area', be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping', be 'sympathetic to local character and history' and 'establish or maintain a strong sense of place' (paragraph 130). Paragraph 174 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes. In this case, the application site is located within the Kent Downs AONB, which the NPPF (para 176) identifies as having the highest status of protection with 'great weight' required to be given to conserving and enhancing the landscape and scenic beauty of these areas.
- 2.8 The application site is well contained in the wider landscape setting and benefits from mature tree planting and dense hedgerow screening. Wellington Fields is of lightweight construction and due to its unusual form and non-standard appearance, does not add value to the visual amenities of the locality. The current residential unit has a footprint of 100.9sqm and a height of 3.3m whilst the proposed dwelling would have a footprint of 164.4sqm and a height of 3.75m. The accommodation to be provided would be of an acceptable standard and meet the requirements of draft policy PM2. There are no planning objections to the principle of a replacement dwelling of a larger size as indicated. Further consideration of the impact on the visual amenities of the AONB of a dwelling of larger footprint and of permanent and contemporary design is also necessary.
- 2.9 Kent Downs AONB Unit has provided detailed comments and the initial comments refer to the finish of the building and landscape enhancements. It is noted that all development in AONBs needs to be located and designed in a way

that reflects their status as landscapes of the highest quality. No objections were raised in principle to the single storey design which replicates the form of the current arrangement. Further to the initial comments, amended plans have been received and include a reduction in the amount of render to the exterior elevations and a amendment to the colour from white to grey. It is also now proposed to incorporate flint panels with lime mortar and vertical cedar weatherboarding which have a stronger local connection. The roof would be finished in dark grey asphalt. The AONB Unit has confirmed that the use of flint panels with a lime mortar is considered to be more locally distinctive and a much more contextually appropriate material choice for this sensitive site than the originally proposed white render.

- 2.10 In response to further recommendations by the AONB Unit regarding the introduction of a chalk grassland roof, the applicant has stated that this was contemplated but they have refrained from including this detail due to costs. It has been stated that the use of such a finish to the roof would require a deeper roof construction, which would add mass and bulk to the roofline. The additional weight of the grass roof would also require additional concrete and steel structures to support the roof, which would significantly increase the amount of concrete and steel, thereby increasing costs and the carbon generation of the build. The roof is therefore to be finished with a dark grey asphalt roof which is acceptable in visual terms.
- 2.11 The proposed dwelling has also been designed with the aim of minimising landscape harm and to upgrade the appearance of the site. The site is set towards the bottom of a valley approximately 6m below road level and is well screened by mature trees, woodland and hedgerows. The flat roofed design and amendments to the external finish will minimise the impact on the qualities of the surrounding landscape and would maintain the character of the AONB.
- 2.12 In association with the replacement dwelling, it is proposed to relocate the existing stable building several metres further to the south west, outside the red line area as shown on the approved Lawful Development Certificate. (The red line on the Lawful Development Certificate application denoted the site area only and was not considered, under that application, to identify residential curtilage). The revised location of the stables would continue to be on land under the applicant's ownership that currently has a lawful equine use. Whilst the relocation of the stable building to this land is considered to be acceptable, in regards to the landscape and visual impact, it is considered that this area should not be described as domestic curtilage. The applicant has been advised and agrees with this interpretation and the application has been assessed on this basis.
- 2.13 A gabion retaining wall and native planting would be installed to the rear of the stable block and 3 parking spaces would be created on the site of the existing stables providing a satisfactory number of spaces for the proposal. Confirmation has also been received from the applicant that a native hedge will be planted along the southern boundary of the red line area, to enhance landscaping and biodiversity.
- 2.14 The application also includes the siting of 4 ground mounted south facing PV solar panels to the north of the dwelling. These would be screened from wider views by the dense trees and shrubs around the north west and north eastern boundaries of the site. The installation of solar panels will be in accordance with the aims of draft policy SP1 in providing the opportunity for decentralised heating

and energy. The panels being sited at a low level and will not present a visual intrusion or undue harm to the visual qualities of the AONB.

Other Material Considerations

- 2.15 Paragraph 130 (f) of the NPPF sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Residential neighbours to the application site are located some distance away and therefore the proposal will have no direct impact on residential amenities.
- 2.16 The property benefits from an existing concrete access drive leading down steeply from Lowslip Hill. The access route would remain as existing but would be upgraded with the use of permeable hardstanding and entrance gate. Additional manoeuvring space is shown adjacent to the parking spaces and relocated stables. The proposal does not raise any particular highway issues.
- 2.17 The application relates to a previously developed residential plot and adjoining land that is used for the parking of vehicles. The location of the proposed dwelling is in the same location as the existing and as a result protected species are not likely to be present. It has been stated that biodiversity measures would be incorporated as part of the development, with details to be confirmed and this can be addressed through planning conditions.
- 2.18 Given that this proposal relates to a replacement dwelling and the site is outside the SPA Zone of Influence identified in draft policy NE3, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy is not required.

3 Conclusion

- 3.1 The application proposes a replacement dwelling on a site where an authorised residential use exists. It is recognised that the scheme involves the introduction of a dwelling of a larger and different shaped footprint, with some additional volume, as well as the re-siting of a stable building. The proposed dwelling will be of a higher design standard and should upgrade the somewhat haphazard appearance of the site in accordance with draft policies PM1 and PM2 and policy DM8 concerning replacement dwellings, along with policies DM15 and DM16 and draft policy NE2. For the above reasons, the design of the dwelling is considered to be acceptable and visually appropriate in its context, with a limited impact on the visual amenity within the AONB. In reaching this conclusion, regard has been had to the purpose of conserving or enhancing the natural beauty of the AONB, which has been afforded great weight. The proposal would not conflict with the overarching aims and objectives of the NPPF and it is recommended that planning permission should be approved.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- 1) Standard time limit
- 2) Approved plans
- 3) Slab level details
- 4) Material Samples
- 5) Remove PD rights for extensions and alterations
- 6) Landscaping scheme

- 7) Biodiversity enhancements
- 8) Residential curtilage
- 9) Details of foul drainage treatment plant

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

Case Officer

Hilary Johnson