

a) **DOV/23/00480 – Change of use of garage to holiday let - Street Farm House, The Street, Woodnesborough**

Reason for report – Number of contrary views (35)

b) **Summary of Recommendation**

Planning permission be granted subject to a unilateral undertaking and conditions.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM4, DM11, DM15, DM16, T11

Draft Dover District Local Plan (March 2023) - The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: PM1, SP1, SP2, SP6, E4, CC6, NE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 84, 130, 199, 201, 202.

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

d) **Planning History**

DOV/18/01271 - Erection of a detached double garage, 1.8m boundary wall, hardstanding and formation of vehicle access – Granted

DOV/18/01272 - Insert door opening to existing partition wall. Upgrade existing wall linings and erect new partition wall to form 2nd floor shower room. Construction of new brick wall to rear of house boundary – Listed building consent – Granted.

DOV11/00323 - Change of use land for the keeping of horses, erection of stables and formation of hardstanding (amended siting of stables) – Granted

DOV/06/01276 - Replacement of dormer windows with softwood frames – Granted

DOV/06/01491 - Replacement dormer windows, alterations to existing sash windows and internal alterations – Listed building consent – Granted.

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

Representations can be found in the online planning file, a summary is provided below:

Woodnesborough Parish Council – Objections (summarised) Inappropriate location for a holiday let within the ground of a grade II listed building. Noise and disturbance created by holidaymakers. Shared access could cause access problems during construction. Lack of parking spaces. Concerned about the lack of sewage/foul water drainage. Covenant sets out the land should not be used for any other purpose than

that of a dwelling. The information provided is misleading as the documents are for the original garage.

Public Rights of Way Officer – no comments.

Kent Fire and Rescue - Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. I draw your attention to the access driveway which should be a minimum of 3.7 metres in width. Where there is a pinch point due to gates etc the width may be reduced to a minimum of 3.1 metres. The driveway is required to allow a fire engine to reach a location, a maximum of 45 metres from the furthest point within in the dwelling. The distance of 45 metres may be extended up to 90 metres for a house with no floor more than 4.5m above ground level or 75m for houses and flats having one floor more than 4.5m above ground level, on the provision of a domestic fire suppression system installed to the appropriate standard.

Kent Highway Services – No objection (summarised) No loss of parking provision. The one bedroomed dwelling would not create significant increase in movement. The proposed access to the site is approximately 30 metres from The Street whereby intervisibility of a maximum of 40 metres would be considered appropriate. The access forms part of the PROW but no objection or comments have been received from PROW colleagues. The hedge on the eastern side of the access is cut back to improve visibility and secured by condition.

Third party Representations: 35 objections have been received and are summarised below:

- Impact on neighbours
- Noise and disturbance
- Traffic/parking/highways safety
- Limited visibility
- Danger to pedestrians
- Foul waste/surface water drainage
- Lack of parking
- Ecology
- Lack of infrastructure
- Lack of details, inaccuracies.
- Site area.

9 representations in support of the proposals have been received and are summarised below:

- Dwelling for elderly relatives.
- Support use for holiday let.
- Great accommodation in the area to support local businesses.
- Visual upgrade.
- Not a new building or dwelling, a change of use.

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

1.1 The application relates to the garage and amenity space serving Street Farm House. Street Farm House is a Grade II listed 3-storey dwelling located along a shared private access to the north of The Street in Woodnesborough, the gardens to the east of the shared access land and are within the confines, whilst the application site to the west of the property are outside of the confines.

- 1.2 There are a number of nearby dwellings including the Old Vicarage (to the west of the application site), The Old Post Office (to the south), The Old Coach House (to the north east), the amenity space serving this property backs onto the application site, Street Farm Barn is to the north of the host dwelling and Melville Lea to the east of the host dwelling. The shared access is registered as a public right of way known as EE216 (as shown in figure 1).

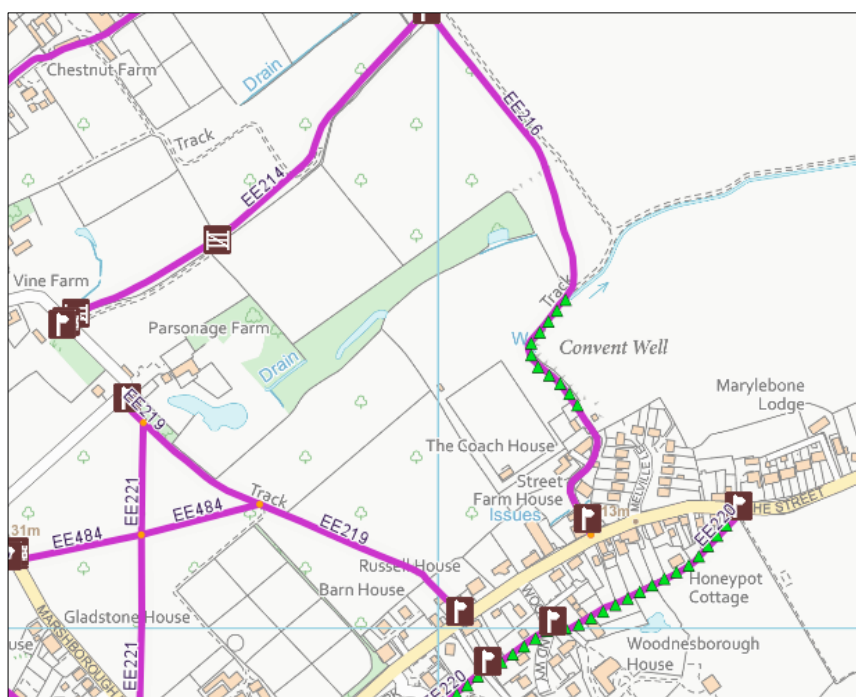


Figure 1 – Public Rights of Way map

- 1.3 The garage is a detached wooden clad garage with tiled roofed over, the garage benefits from rooflights and a lean to on the north western elevation. Car parking is afforded directly in front of the garage.
- 1.4 The proposed development would utilise the existing wooden garage with the only external change being a single window within the gable of the north western elevation. Three of the four of the existing garage doors would be fixed shut to allow for the stud partition directly in front of them to be installed. During the course of the application, the amount of amenity space has been significantly reduced and this is shown in figure 2. One of the existing parking spaces will be utilised for the visitors to the proposed holiday let.
- 1.5 It should be noted that a further document was received on the 28th July 2023 and context plans. These documents were not considered to advance any planning arguments and as such it was considered necessary to re-consult statutory consultees and local residents.

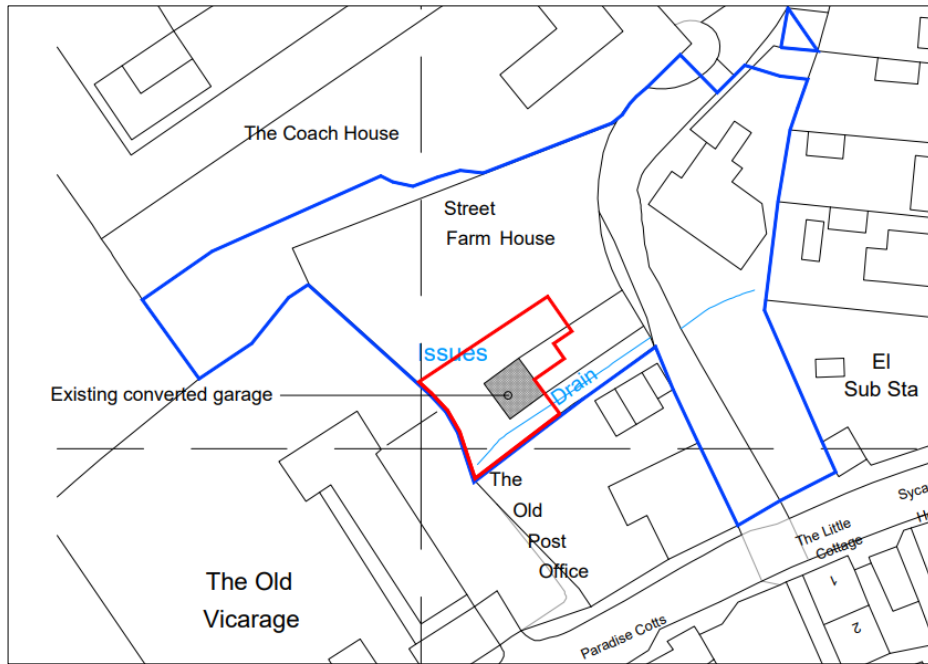


Figure 2 – Site location plan

1.6 The proposed layout incorporates a bedroom, bathroom, kitchen/diner and lounge all on the ground floor, as shown in figure 3.

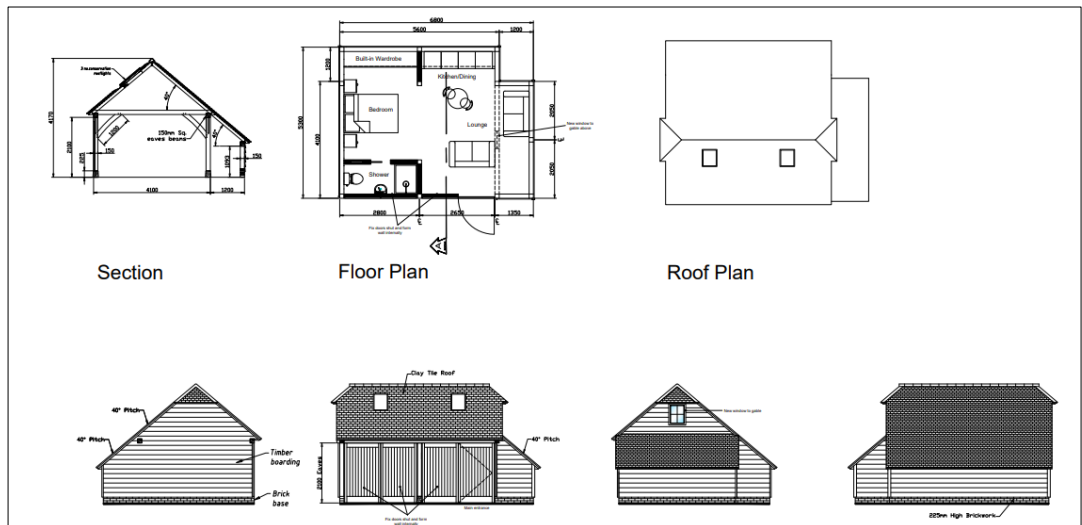


Figure 3 – Proposed layout and elevations

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Heritage
- Impact on residential amenity
- Highway Safety
- Flooding
- SAMMS

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with 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 other development plan policies, functionally requires a rural location or is ancillary to existing development or uses. The application site is located just outside of any settlement confines, but adjacent to the confines. That said, the proposed holiday accommodation is not supported by other policies, does not functionally require this location (albeit its location could be argued to be desirable to meet the needs of a sector of the holiday market) and is not ancillary to existing development or uses. As such, the development would be contrary to Policy DM1 (although it is acknowledged that this policy holds reduced weight in the planning balance)
- 2.4 Policy DM4 sets out in amongst other things that permission will be given for the conversion of structurally sound, permanent buildings within villages for private residential use in buildings that are adjacent to the confines, subject to being of a suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects. This is largely in line with the aims and objectives with the national planning policy framework, in particular paragraph 84.
- 2.5 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard to the proximity of the site with Eastry/Sandwich and public transport namely bus services, it is considered the proposal would not significantly increase travel demand and therefore comply with the aims and objectives of policy DM11.
- 2.6 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines, but excluding land within the curtilage of buildings) 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).
- 2.7 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the development plan

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.

- 2.8 Turning to the objectives of the NPPF regarding rural tourism. Paragraph 84 states that in supporting a prosperous rural economy, decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 highlights that it should be recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 2.9 The submission Draft Local Plan was submitted for examination in March 2023. The Plan is at an advanced stage and is considered to be an important material consideration in the determination of the application. In relation to the Draft Local Plan, policies PM1, SP1, SP2, SP6, E4, and TI1 are considered most relevant to the principle of development.
- 2.10 Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel and Policy SP2 seeks to ensure new development is well served by facilities and services and creates opportunities for active travel. Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes. The location of the site is within the countryside, however, having regard to the proximity of the site directly adjacent to confines, the surrounding network, access to public transport (namely bus stops), it is considered the proposal accords with Draft Policies SP1, SP2 and TI1. However, given that the plan is at examination stage, these policies can only be given moderate weight at this time.
- 2.11 Draft Policy SP6 supports tourism development that would extend or upgrade the range of tourist facilities, particularly those that attract the staying visitor, increase the attraction of tourists to the area and extend the season in accordance with draft policy E4. This Policy supports proposals for self-catering tourism accommodation across the District subject to a series of criteria. This includes: the scale and design of the proposal is to be compatible with the character, layout density and appearance of the existing settlement; the level and type of activity the proposal generates and the functional and visual relationship with adjoining uses does not result in harm to the character and appearance of the area, including the character and quality of the countryside; the scale and design of the proposal being compatible with its surroundings; where it would not have an adverse impact on the living conditions of existing adjoining residents; where traffic generated from the development can be safely accommodated on the local road network, and where the development will not generate a type or amount of traffic that would be inappropriate to the road network. Proposals should also seek to improve provision of sustainable travel options to the site, wherever possible.
- 2.12 Regard must also be had for whether the tilted balance is engaged, as set out in Paragraph 11 of the NPPF. The majority of the most important policies for determining the application are considered to be out of date to varying degrees, with DM1, which is particularly crucial in assessing the principle of the

development, being particularly so. 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.

Impact on Character and Appearance

- 2.13 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
- 2.14 The site is located outside of the settlement confines and as discussed, is within the countryside and is therefore subject to Policies DM15 and DM16.
- 2.15 The proposed development would result in a conversion of an existing wooden double garage, with very minor alterations to the building. The extent of the proposed external changes to the garage is an insertion of a single window at first floor within the northwest gable end. Given the limited alterations to the development, the proposal would ensure the landscape character remains altered and the objectives of the paragraph 130 and 174 of the NPPF. The development would therefore accord with policies DM4, DM15 and DM16 of the Core Strategy, criteria i) and iv) of policy E4 and policy PM1 of the emerging local plan.

Heritage Assessment

- 2.16 Paragraph 194 of the National Planning Policy Framework states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understanding the potential impact on the proposal on their significance".
- 2.17 Paragraph 199 of the National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where development would lead to serious harm the consideration has to be given to the criteria set out in paragraphs 202 and 203 of the National Planning Policy Framework.

- 2.18 The proposed works are considered to be minor in that the majority of the changes are internal, with the exception of the window within the northwestern gable. As such, it is considered that there would be no harm caused to the historic significance of the setting of the listed building.

Residential Amenity

- 2.19 Paragraph 130 (f) of the National Planning Policy Framework says that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.20 Concerns have been raised by a local resident in respect of overlooking occurring from the holiday let. The additional window would be at first floor within the end gable. Given the limited size of the holiday let, the proposed layout at ground floor level and separation distance dividing the development and the adjacent amenity serving the adjacent property, I am satisfied the proposal would not give rise to any potential overlooking.
- 2.21 Concerns have been raised regarding activity, noise and disturbance associated with the use of the holiday let. A holiday accommodation use would be different to a permanent residential dwelling. In turn, whilst there might be some noise from vehicle movements and activity, given the limited facilities, the proposal is likely to only be used by couples. Furthermore, any noise resulting from the application site is not considered to be any different to the noise resulting from the other residential properties in the vicinity. In the event of planning permission being granted, a condition is recommended to control the occupation to holiday accommodation only, to ensure that the building is not occupied as someone's main or sole place of residence.

Highways

- 2.22 Local residents have raised concerns over the highway safety and pressures on parking locally. Policy DM13 of the Dover District Core Strategy sets out that provision for parking should be a design led process based upon characteristics of the site, the locality, the nature of the proposed development and its design objectives. In this instance, the existing off street parking arrangement to serve Street Farm House is that of approximately four parking spaces. The applicant is proposing to use one of these car parking spaces solely for use of those staying within the holiday let. Having consulted Kent Highway Services they are satisfied with the allocated parking provision, furthermore, they have noted that garages do not count towards parking provisions in any cases and as such, there is no loss in parking provisions associated with this change of use.
- 2.23 Paragraph 111 of the National Planning Policy Framework sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, it is considered the addition of a one-bedroom holiday let would not create a significant increase of movements at an existing access serving 4 dwellings, as visitors are likely to utilise one vehicle. That said, an informative should be put on any permission to advise the applicant to inform guests of the nature of the access.
- 2.24 Concerns have been raised in respect of vehicle crashes along this stretch of road and Kent Highway Services have provided the following response in respect of this matter; '*Within 200m of the access track, 5 years Personal Injury Collision*

(PIC) data has been evaluated and although one serious incident has been recorded in 2019 this is not associated with a vehicle entering or exiting this access. Plans indicate the access measures approximately 6 metres at the junction with The Street, although it is acknowledged that this is significantly reduced due to the neighbouring The Old Post Office and the hedge. The proposed access to the site is approximately 30 metres from The Street whereby intervisibility of a maximum of 40 metres would be considered appropriate'. However, to improve visibility from the access from Street Farm House to the junction with The street, a condition is requested that the hedge on the eastern side of the access track is cut back. In the event of planning permission being granted, a condition could be imposed in this respect.

- 2.25 For these reasons set out above, the proposed development is considered to accord with policies DM11, DM13 of the Core Strategy and draft local plan policies TI3 and criteria vii) and viii) of policy E4 of the emerging local plan.

Flooding

- 2.26 Local residents have raised concerns over the risk of flooding, surface water drainage and foul sewage. It is acknowledged the application site is located within an area at risk of flooding from surface water (1 in 1000 yrs), however, the proposal does not propose any increase in additional hardstanding or expanse of the building and as such it is not considered the proposed development would result in any additional surface water in this location.
- 2.27 In respect of concerns raised about the foul water system, this application would create a small holiday let, suitable for a maximum of two people. Under section 106 of the Water Industry Act 1991, the owner would have the right to connect to the local sewerage network for a fee. Whilst the development may place some additional pressure on the local network, given the scale of the application, this impact would not be significant enough to warrant the refusal of the application.

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

- 2.27 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.
- 2.28 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 dog-walking, 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.

2.29 Consideration needs to be given to policies NE3 and policy E4 in the emerging plan. With regards to policy E4 point X sets out 'that development which are located within the 9km zone of influence of the Thanet Coast and Sandwich Bay SPA will be accessed on a case-by-case basis under the Habitats Regulations and maybe required to make a full or partial contributions towards the SAMM of application and in line with the requirements of NE3. The SPA index-linked figures can be secured by a S106 and the precise sum would need to have regard for the most up to date figures at the time of the S106 is completed. Subject to the provision of this mitigation, the development would not have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

3. Conclusion

- 3.1 Significant weight is applied to the requirements of the Development Plan and NPPF policies. It is also acknowledged that the 'tilted balance' approach under paragraph 11 of the NPPF should be applied.
- 3.2 There is support in the NPPF for sustainable rural tourism but an acknowledgement that such uses might need to be found beyond existing settlements. In turn, whilst the development is contrary to policy DM1 of the Core Strategy, this policy is out of date and therefore the 'tilted balance' is thus engaged. In turn, the development would comply with the criteria within policy E4 of the emerging Local Plan but at this time this policy can only be given moderate weight. It has been stated that the changes are considered to be limited and are sympathetic to the local character of the surrounding area, and there would be limited harm to the intrinsic character and beauty of the countryside or the significance of the heritage asset. There would be no harm to highway safety, nature conservation or residential amenity.
- 3.3 Set against the requirements of the 'tilted balance', it is not considered that the proposal would undermine any key aspects of policy in the NPPF, and 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.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to a S106 Agreement to secure a habitat mitigation payment and conditions to include:
1. Time Limit
 2. Approved plans
 3. Use as holiday accommodation.
 4. Visibility splays
- 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

Karen Evans

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).