

a) **DOV/23/00473 – Erection of a dwelling and detached garage – Jossenblock Farm, The Street, East Langdon**

Reason for report – Number of contrary views (6)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan: The Submission Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 20) 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, SP2, SP4, SP14, PM1, PM2, TI1, TI3, NE1, NE2, NE3, HE1, HE2.

National Planning Policy Framework (NPPF) (2023): Paragraphs 7, 8, 11, 110-112, 124, 130, 174, 180, 197, 199, 202

National Design Guide & National Model Design Code (2021)

d) **Planning History**

No relevant planning history.

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

Consultations and representations can be found in the online planning file, a summary is provided below:

DDC Natural Environment – Advise that an appropriate amount of ecological survey work has been undertaken to inform the determination of the application. Recommend conditions to sufficiently mitigate the impact of the development and provide biodiversity enhancements.

DDC Heritage– The proposed development in terms of design, scale and location is generally appropriate but raise concerns regarding the treatment of the entrance to the driveway which should be reduced to a few courses of bricks to delineate from the road surface, the proposed pantile garage tiles, should be amended to plain/Kent peg tiles, and brick colour, should be revised to a mid red colour and finish. The proposal is at the low end of less than substantial impact on the conservation area, as per paragraph 199 of the NPPF. Subject to amendments, no objections.

DDC Trees – Raise no objections, provided that the trees to be retained (T1, T2, T3 and T7) are protected in accordance with the recommendations set out in the Pre-development Tree Survey and Report.

Langdon Parish Council – The application lies outside the settlement boundary of East Langdon, contrary to policy DM1. The new site is within the conservation area of East Langdon, a heritage location which is centred around the village green. The proposed

development would lie within the garden of Jossenblock Farmhouse, a historically significant Grade II* Listed Building.

Most of the listed properties which lie within the conservation area have extensive grounds which give a green and open rural feel to the area, as do the grounds of Jossenblock Farm. The only recent development in the vicinity at Church Farm Mews was on a brownfield site and using an existing access from the highway. The Parish Council has concerns with the visual impact and proximity to the listed building, as well as the adjacent listed property, East Side Farmhouse, contrary to DM15 and DM16.

The creation of a driveway and access layby into the site from the eastern edge of the village green would have a detrimental visual impact on the wider view of the conservation area. The siting and profile of the proposed double garage would be clearly visible above the boundary fence.

Third party Representations: 6 letters of objections and 3 letters of support have been received. The letters of objection are summarised below:

- The proposal would be detrimental to the setting of the Grade II* Listed Jossenblock Farmhouse, the adjacent Listed Building and the East Langdon Conservation Area.
- The proposal will erode the open green spaces in the conservation area.
- The access will detract from the visual amenity of the conservation area.
- This new build will jar with its surroundings.
- Previous development at Church Farm Mews was on brownfield site and added to the visual amenity of the area in a way this proposal does not.
- The view of the proposed garage roof from the green will be detrimental.
- The proposal would increase vehicular movements and add parking pressure to the locality.
- The proposal would be detrimental to ecology and biodiversity.

The letters of support are summarised below:

- The proposal is well designed and in keeping with surrounding properties.
- The dwelling is far enough away from the Listed Building and will not adversely affect significance.
- Single developments such as this, spread around the village, can be absorbed so as to not detract from overall aesthetic of the landscape and community, which is preferable to multi home developments.
- The proposal will not detract from the conservation area, it is well screened by vegetation.
- Any traffic and noise impacts will be negligible.
- The majority of trees on the plot are to remain.
- Concerns that this proposal is the beginning of urban sprawl are unfounded.

f) 1. The Site and Proposal

1.1 The application site forms part of the curtilage of Jossenblock Farm, a Grade II* listed Farmhouse and grounds with a total area of 2.6 acres. The site is located in the East Langdon Conservation Area, adjacent to the village green within the historic portion of East Langdon and is also located adjacent to the Grade II Listed East Side Farmhouse and its associated curtilage listed outbuildings. The site falls outside of, but adjacent to the defined settlement confines in the current and the draft local plan.

- 1.2 The site is a rectangular parcel of land located to the south west of the grounds of Jossenblock Farm, adjacent to the street and village green beyond to the west. The site formerly contained dense vegetation cover which has since been cleared and several trees which are not subject to a Tree Preservation Order (TPO). The application is supported by a Tree Survey which plots the 7 trees on site, ranging from category U to category B. The application involves the removal of 2 category C trees and 1 category U tree to facilitate the development. The remaining trees are proposed to be retained.
- 1.3 The application proposes the erection of a two storey 4 bedroom detached dwelling with detached garage. The dwelling is proposed to be located adjacent to the eastern boundary of the proposed plot, roughly to the centre and will comprise an L shaped footprint. To the frontage/south of the dwelling will be an area of hard surfacing finished in shingle to provide a parking and turning area for several cars. Vehicular and pedestrian access will be provided to the south of the western boundary onto unnamed road adjacent to the village green. Adjacent to the access will be a single storey detached garage, with its rear boundary forming part of the front/western boundary treatment. The dwelling will be provided with a private rear garden to the north and west of the plot. The site location plan and proposed site layout are shown in Figures 1, 2 and 3 below.

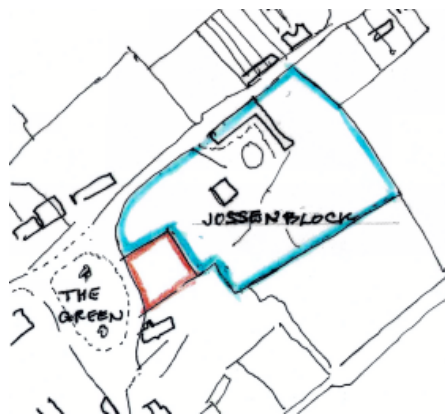


Figure 1: Site Location Plan

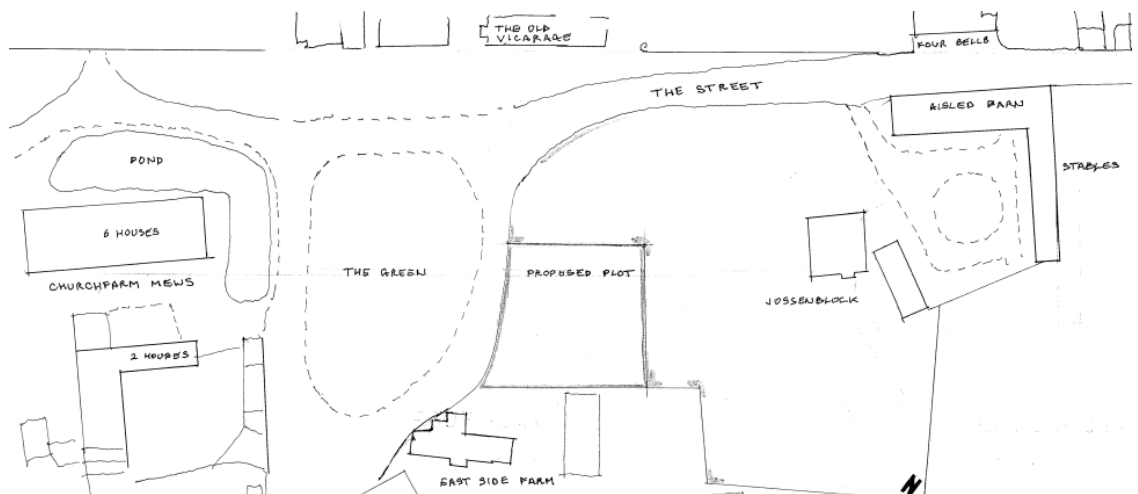


Figure 2: Site Location Plan 2

Figure 4: Sketch drawing of proposed dwelling

2. Main Issues

2.1 The main issues for consideration are:

- Principle of the development
- Heritage Impact and Visual amenity
- Trees
- Residential amenity
- Highways
- Ecology

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 The application site falls outside of, but adjacent to, the settlement confines of East Langdon and is therefore located within the countryside for the purposes of planning. Policy DM1 states that development will not be permitted on land outside rural settlement confines unless it is justified by another policy, functionally requires a rural location or is ancillary to existing development. The proposal does not meet any of the circumstances where development outside of the confines would exceptionally accord with Policy DM1 and, therefore, the development is contrary to this policy.
- 2.4 Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of the countryside, except in certain circumstances. The proposal would involve the loss of countryside and would not meet any of the applicable exceptions and would therefore be contrary to Policy DM15. Policy DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless justified by other policies. The development would generate a need to travel and is not justified by other plan policies and is therefore contrary.
- 2.5 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 policies for the supply of housing in the Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per annum. As a matter of judgement, it is considered that Policy DM1 is in tension with the NPPF, out-of-date and, as a result, should carry only limited weight. As a whole, it is considered that the main policies within the Core Strategy for determining the application are to a greater or lesser extent in tension with the NPPF, and as such, the 'titled balance' (paragraph 11, NPPF) is engaged for this purpose. At the present time, the council has a demonstrable 5-year housing land supply of 5.38 years and has not failed to deliver the housing delivery test requirement

(delivering 88%), therefore the presumption in favour of sustainable development is not engaged for any other reason.

- 2.6 The NPPF seeks to achieve sustainable development. Paragraph 8 of the NPPF outlines that achieving sustainable development means that the planning system has three overarching objectives which are economic, social and environmental. Paragraph 79 sets out that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain rural communities.
- 2.7 The Submission Draft Local Plan is at an advanced stage and is a material consideration in the determination of applications, with policies attracting weight in the planning balance. Draft Policy SP1 seeks to ensure development mitigates climate change by reducing the need to travel, Draft Policy SP2 seeks to ensure new development is well served by facilities and services and creates opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.8 Draft Policy SP4 sets out the appropriate locations for new windfall residential development which seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are identified. Policy SP4 outlines two categories of settlement. The first (tier 1) are settlements that are capable of meeting some or all of the daily needs of their inhabitants and are therefore identified as suitable for additional residential development either within the settlement or immediately adjoining confines. East Langdon is classified as a tier 1 settlement, where residential development or infilling of a scale that is commensurate with that of the settlement is permitted within or immediately adjoining the boundaries, subject to applicable criteria. This includes the development being of a scale appropriate to the size of the settlement and the facilities that serve it; being compatible with the layout, density, fabric and appearance of the settlement; does not result in the coalescence or merging of separate settlements, conserves and enhances landscape character and biodiversity and does not result in the unacceptable intrusion into open countryside, among others. The proposed development would immediately adjoin the settlement confines of East Langdon at its western boundary. Whether the proposal will meet the applicable criteria of Draft Policy SP4 will be assessed in the following sections.
- 2.9 As the titled balance is engaged, the social and economic benefits of the housing need to be balanced against the environmental issues, including the impact upon the countryside and a judgement made as to whether the development as a whole is considered to be sustainable development.

Visual and Heritage Impact

- 2.10 The application site is located within the curtilage of the Grade II* listed building, Jossenblock Farm, the wider setting of the Grade II listed East Side Farm and within the East Langdon Conservation Area. As the application property is located within the setting of listed buildings and within a conservation area the local planning authority must have regard for Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving the building and any features of special architectural or historic interest which it possesses. The NPPF also

requires authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.

- 2.11 As the site is located outside confines Policies DM15 and DM16, as well as draft Policy NE2 are relevant to the assessment of the impact of the proposals on the character of the countryside. NPPF Paragraph 174 is applicable and seeks development to contribute to and enhance the natural and local environment, recognising the intrinsic character and beauty of the countryside.
- 2.12 East Langdon is a small village located approximately 4.3m from Dover which comprises two distinct sections; the historic portion of the village located to the south-west and the more modern portion of the village located to the north east. The application site is located within the historic portion of the village which comprises largely organic, historic development including several listed buildings, many of which are set within large plots and associated with former farmsteads, centred around the village green.
- 2.13 The proposed dwelling would involve the subdivision of the grounds of the Grade II* listed Jossenblock Farmhouse to provide the proposed plot and single dwelling. The grounds of Jossenblock Farmhouse are extensive, and the proposed plot comprises a relatively modest portion of its overall grounds, located to its south western corner. The omission of this part of the grounds from the curtilage, given its limited size relative to the grounds, its location and the separation distance which will be retained to and around Jossenblock Farmhouse, is not considered to result in an unacceptable compromise, or be detrimental to the significance of the listed building or its setting. The size and siting of the proposed plot is considered to be suitably reflective of plot sizes relative to built development within the locality and will relate to the more organic, loose pattern of development in this part of East Langdon.
- 2.14 The location and orientation of the dwelling to the proposed plot, facing south, will match the orientation of the adjacent listed East Side Farmhouse to the south and will locate the development away from the road and the trees to be retained on/adjacent to the site. This location and orientation of the proposed dwelling is considered to be appropriate and compatible with the surrounding area and will minimise the prominence and presence of the development from the unnamed road and village green, thereby largely retaining the open and landscaped character immediately adjacent to this area. The dwelling is also proposed to contain a catslide roof element to the western side elevation, which will further reduce the built form and impact of the development from this vantage point. This location and the separation distance provided to Eastside Farm is considered to prevent harm to the setting of this listed building.
- 2.15 The proposed garage building, which will form part of the western boundary through its rear elevation, will be of a modest, compact scale, matching the height of the boundary treatment to its eaves and set under a gabled roof. Through its modest scale and simple form, this building is considered to form an unassuming feature which will not be detrimental to the character and appearance of the conservation area.
- 2.16 The traditional arts and crafts design approach of the dwelling is considered to compliment the predominant traditional and rural design of development in the

locality. The form of the dwelling will be broken up through its L shaped footprint and hipped/cat slide roofs, which together with the design detailing proposed, will provide visual interest to the elevations. The proposed material palette is reflective and relates well to the design approach of the dwelling and the palette materials in the surrounding area. Through this, the dwelling is considered to provide a good quality design which is appropriate and compatible with its sensitive location and position within the conservation area and within the setting of listed buildings. The street scene elevation plan (to the west) and the front elevation (to the south) are included in Figures 5 and 6 below.

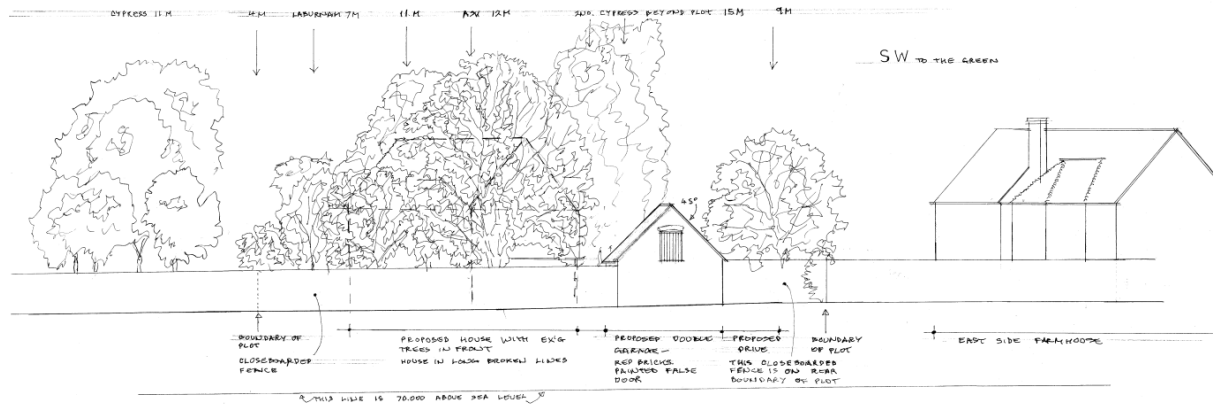


Figure 5: Proposed Street Scene (to unnamed road to the west)

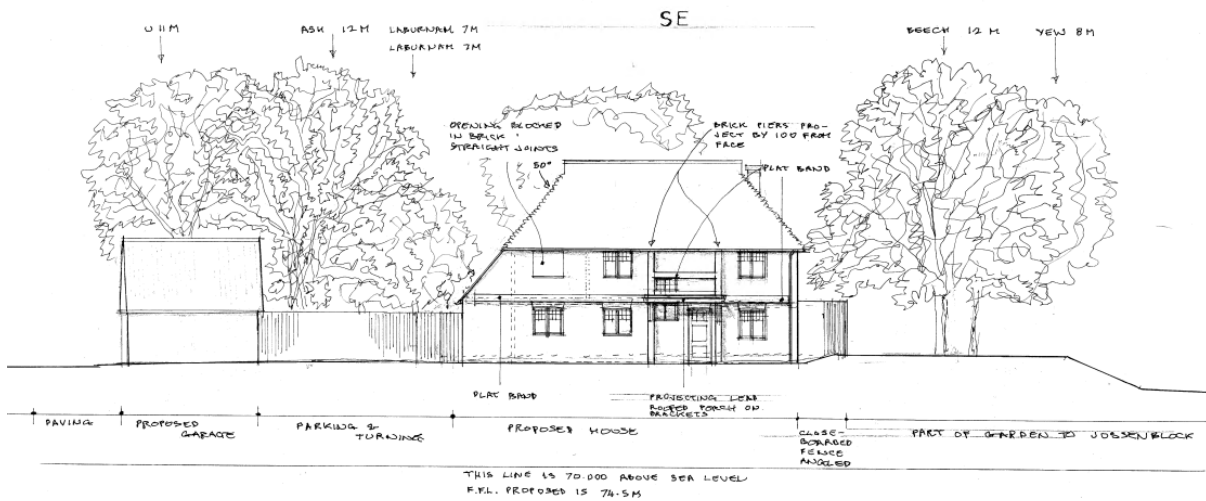


Figure 6: Proposed Front Elevation (to the south)

2.17 In terms of hard and soft landscaping, the provision and location of the hardsurfacing will be discreetly located from public views. This hardsurfacing will comprise shingle to the main parking and turning area, with a limited number of brick courses set back from the entrance and tarmac to the front. This will provide an appropriate finish for this rural location and incorporate sufficient measures to prevent the displacement of shingle upon the highway. The development will be provided with a moderate rear garden which will be soft landscaped and incorporates several retained trees, some of which are mature and have high

amenity value in the locality. This will soften the development and aid its integration into its environment. The existing western boundary comprises high close boarded fencing and 2m high close boarded fencing is proposed which will form a minor alteration to the existing situation.

2.18 DDC Heritage have reviewed the proposal and have suggested amendments to details and materials of the proposal, which have been incorporated through the application process. Following this, no objections have been raised and the proposal is considered to be on the low end of a less than substantial impact on the conservation area.

2.19 Overall, the proposal is considered to form a comfortable development which will integrate with the surrounding built environment and have an acceptable impact on the East Langdon Conservation Area, and the setting of the adjacent listed buildings. Through this the proposal is considered to be compatible with the layout, density, fabric and appearance of the existing settlement. The proposal would therefore accord with the applicable criteria of Draft Policy SP4 in this regard, accord with Draft Policies HE1, HE2 and PM1 and the NPPF.

Trees

2.20 The application site contains several trees which are not subject to a TPO. The application is supported by a Tree Report, Tree Constraints Plan and a Tree Protection Plan. The Tree Constraints Plan demonstrates that both within and immediately adjacent to the site are: 1 category B tree, 5 category C trees and 1 category U trees. Of these 2 category B trees and 1 category U trees are proposed to be removed to facilitate the development. Tree protection measures are proposed including protective fencing and ground protection measures for the retained trees during construction works. The proposed Tree Protection Plan is included in Figure 7 below.

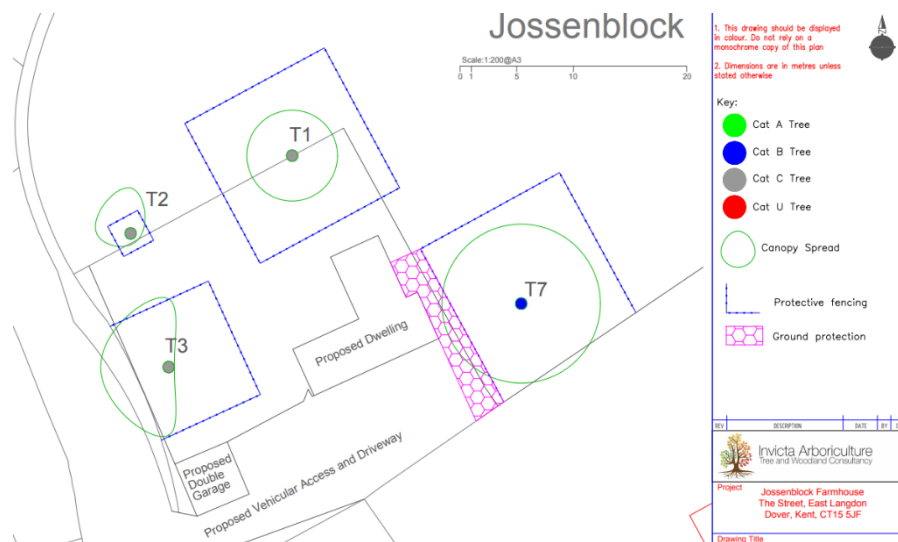


Figure 7: Proposed Tree Protection Plan

2.21 The proposed approach to trees is considered to provide an appropriate balance between retaining the verdant character and visual amenity of these trees to the local area and facilitating the proposed development. The location of the dwelling

to the centre of the eastern boundary will provide sufficient space and separation to these trees to prevent damage. In addition, the location of proposed windows, with the majority of windows serving primary rooms facing south and north, will provide sufficient clearance to prevent future pressure to fell or significantly prune the trees. DDC's Tree Officer has raised no objections, subject to the retained trees being protected in accordance with the recommendations set out in the Tree Report, which will be secured by condition.

Residential Amenity

- 2.22 Section (f) of Paragraph 130 of the NPPF requires development to provide a high standard of amenity for existing and future users. Given the location and size of the proposed dwelling and the separation distance to adjacent properties, the proposal is not likely to result in harm to residential amenity. Approximately 23m separation distance will be provided to the nearest adjacent dwelling Eastside Farm, which is located to the west and not immediately in front. Given the position and separation, which will exceed the 21m guidance distance which has historically been used to assess impacts of overlooking, the proposal is not considered to result in harm. Sufficient separation distance will be provided to all other adjacent neighbours.
- 2.23 In terms of the living conditions of the future occupants, the proposed dwelling will be provided with a comfortable internal layout and will exceed the applicable Nationally Described Space Standards. All primary habitable rooms will be provided with a good standard of light, outlook and ventilation. The dwelling will be provided with an enclosed rear garden, which will incorporate suitable refuse storage and a cycle storage shed. The proposal is therefore considered to provide an acceptable standard of residential amenity for existing adjacent properties and the future occupants of the proposed dwelling, in accordance with Draft Policy PM2 and paragraph 130 of the NPPF.

Highways

- 2.24 The proposed dwelling will be provided with a large front driveway which is capable of accommodating several cars, together with a detached garage. This will exceed the required 2 off street car parking provision for this village location in accordance with Policy DM13 and Draft Policy TI13. The development will incorporate sufficient secure covered cycle storage.
- 2.25 The vehicular access is taken from the one way (from the north) unnamed road adjacent to the village green. The access will be set back 2m from the edge of this road and will be provided with sufficient visibility in a northwards direction to take account of the direction of traffic and low speeds present. As such, the access is considered to be provided with sufficient vehicular and pedestrian visibility. The proposed development is therefore considered to be acceptable in terms of highway safety.

Ecology

- 2.26 Paragraph 174 of the NPPF requires proposals to protect and enhance sites of biodiversity or geological value, minimise impacts on and provide net gains for biodiversity. The application is supported by a Preliminary Ecological Appraisal (PEA). The PEA concluded that no evidence of species, or habitat suitable for any protected or notable species was found. A range of enhancement and mitigation measures such as bird and bat boxes, provision of wildflower seeding

and bat sensitive lighting is recommended. DDC's Natural Environment Officer has advised that an appropriate amount of ecological work has been undertaken and recommends suitable safeguarding conditions to accommodate mitigation and enhancement measures. Subject to these conditions, the proposal is considered to have an acceptable impact on ecology and biodiversity.

- 2.27 There is not a need to consider the likely significant effects on European Sites as the application site is located outside the 9km zone of influence radius of the Thanet Coast and Sandwich Bay SPA Mitigation Strategy. It is therefore not subject to the required mitigation for additional recreational pressures arising from new residential development, in accordance with Draft Policy NE3.

3. Conclusion

- 3.1 The application site is located outside of the settlement confines and within the countryside for the purposes of planning and is therefore contrary to Policies DM1, DM11 and DM15. The application site is located immediately adjacent to the confines for the tier 1 settlement of East Langdon and would accord with the applicable criteria of Draft Policy SP4.
- 3.2 The proposal is subject to the titled balance, as set out in paragraph 11 of the NPPF, as the basket of policies which are most important to the application are out of date. This requires that planning permission should be granted unless the adverse impacts of granting planning permission would 'significantly and demonstrably' outweigh the benefits.
- 3.3 In this instance, the application would have an acceptable impact on the character and appearance of the area, the designated heritage assets, residential amenities of adjacent properties, highways and ecology. The proposal would also be acceptable and in accordance with Draft Policy SP4 which forms the direction of travel for development in the district. The development would provide a modest contribution towards the housing supply in the district and modest social and economic benefits associated with the construction and occupation of the dwelling. It is therefore concluded that the disbenefits of the development would be significantly and demonstrably outweighed by the benefits. As such, it is recommended that planning permission is granted.

g) Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions:
1. Time limit
 2. Approved plans
 3. Material & samples of bricks and tiles
 4. Timber windows/doors
 5. Refuse and cycle storage
 6. Provision and retention of parking
 7. Visibility splays
 8. Trees retained & protection measures
 9. Removal of PD rights
 10. Method statement for potential bats in trees
 11. Ecological enhancement measures

- 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

Jenny Suttle