

a) **DOV/24/00932 – Outline application for a detached dwelling (with all matters reserved apart from access) – Ellandune, Coldblow, Deal**

Reason for report – Number of contrary views (34)

b) **Summary of Recommendation**

Planning permission be refused

c) **Planning Policy and Guidance**

Dover District Local Plan: SP1, SP4, CC2, PM1, PM2, TI1, TI3

National Planning Policy Framework (NPPF) (2024): Paragraphs 7, 8, 11, 48, 83, 84, 115, 135, 180

d) **Relevant Planning History**

No Planning history.

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

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

Deal Town Council – No objection

Environmental Health - No Objections raised - conditions recommended in relation to previous contamination of the site and noise from railway track which is approximately 19 metres from the application site.

East Kent Public Rights of Way – No comments to make

KCC Archaeology – No comments received

Third party Representations: 34 in support of the proposal have been received, and are summarised below:

- Would enhance the existing terrace & would blend in with the area
- A detached family house would compliment the area
- The build would be of high quality and would be in keeping with its surroundings
- Would have no impact on neighbours
- Good use of this plot of land – better than using farmland or greenfield land for housing
- Cars have always parked here so no extra cars would use the road
- The plot includes trees and hedges which are proposed to be retained
- The plot is currently unsightly/an eyesore
- More housing is required
- Would provide work to local trades

1 objecting comment has been received for the following reasons:

- The existing access through the hedge is not legal
- The proposed vehicular access is situated on a corner which could be dangerous
- Building works would impact access to existing residents

- Train gates are regularly left open which is dangerous – this would be increased with more vehicles to the site. Could also lead to dangerous increase in traffic using the road access over the manual train crossing
- Lack of infrastructure which are not being improved with the new housing
- Stress on water supply
- Proposed housing must be in keeping with the existing properties
- Impact to wildlife

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

- 1.1 The application site is located to the west of Coldblow, close to the junction with the railway line. The application site outside of any settlement confines. Ellandune is a semi-detached two storey dwellinghouse.
- 1.2 The application site itself is located to the south of Ellandune and is currently used as garden land. The site benefits from extensive tree screening along the east and southeast boundaries of the site.
- 1.3 Access to the site would be via the existing access to the south. The site is not subject to any local or national designation. Public Right of Way (PROW) EE439 is located to the southwest of the site, with PROW EE443 to the west and ED36 to the northeast.
- 1.4 The application is an outline application for one detached dwelling with all matters reserved except for access. The property would benefit from 2 off road parking spaces with proportionately sized garden surrounding the property.
- 1.5 The approximate location of the dwelling is shown in Figure 1. The number of bedrooms has not been specified within this application for Outline permission.

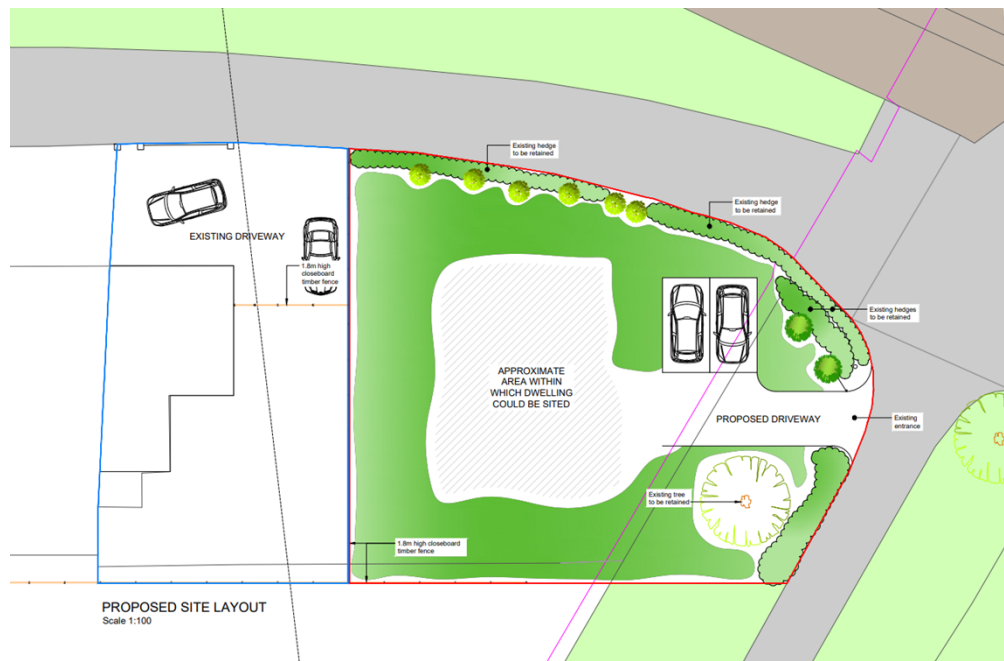


Figure 1: Proposed site layout

- 1.6 The trees around the site boundaries are not protected but are proposed to be retained as part of the proposal (as shown in figure 1 above).

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of the development
- Impact on visual amenity and the countryside
- Impact on residential amenity
- Impact on highways and travel

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. The requirements of the National Planning Policy Framework are a significant material consideration in this regard.
- 2.3 Policy SP4 applies to proposals for residential development on unallocated sites and sites outside settlement confines. The policy sets out the appropriate locations for new windfall residential development. The policy is underpinned by an up-to-date analysis of services and amenities at existing settlements, taking into account the availability of public transport, retail, community, education and medical facilities. Using this information and current housing requirements, the policy seeks to deliver a sustainable pattern of development, including within the rural area where there are opportunities for growth at villages (in line with Paragraph 83 of the NPPF).
- 2.4 The application site is approximately 450 metres from the edge of the Deal settlement which contains all the necessary facilities conducive to day to day living. Policy SP4 sets out that minor residential development or infilling of a scale that is commensurate with that of the existing settlement will be permitted within or adjoining the settlement boundaries. The site is outside of the settlement boundaries set out within SP4, it does not immediately adjoin the settlement boundaries, nor is it in accordance with criterion 3 of the draft policy, which sets out exceptions for isolated and non-isolated dwellings. The development of this site for residential use is therefore not supported by Policy SP4.

Impact on Visual Amenity and Countryside

- 2.5 The NPPF in paragraph 131 places great importance on the design of new development, stating that “the creation of high-quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable in communities.”
- 2.6 The NPPF also 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 135).

- 2.7 The NPPF further states "*decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside*" (Paragraph 180).
- 2.8 The National Design Guide advises on good design which needs to reflect the character of its setting and the overall identity of the area. This is further explained in policies PM1 and PM2 of the Local Plan which state that all new residential development must be of the highest design quality both internally and externally, to provide a healthy living environment that meets the needs of the people who live there both now and in the future.
- 2.9 The application site, which would be accessed from Coldblow would only be visible by glimpse views from the entrance to the site. As the application is for Outline Permission only, there are no elevation drawings or information relating to the design of the proposed dwelling. That said, due to the dense planting along the boundaries of the site (notwithstanding that some of this may need to be removed to provide visibility splays from the access), it is reasonable to conclude that a dwelling could be designed so as to minimise any visual harm to the area, had the application be acceptable in principle.
- 2.10 Therefore, the proposed development, is considered to preserve the rural character and appearance of this location, in accordance with the aims and objectives of the NPPF and the Local Plan.

Impact Upon Residential Amenity

- 2.11 As an outline application with all matters reserved, it is not possible to undertake a full assessment of the potential impacts a new dwelling could make on the level of amenity experienced by existing residential properties. However, the proposed layout shows the proposed dwelling could be set off the boundary shared with the nearest residential property, Ellandune to the north. Furthermore, given the size of the site it is reasonable to consider there is scope to design a property which would preserve the existing level of amenity or minimise any harm. This would be fully assessed at the reserved matters stage.
- 2.12 It is also noted that the proposed dwelling would form only part of the overall site, leaving a good level of outside amenity space as advised in H2 of the National Design Guide.
- 2.13 The application site is approximately 19 metres from the railway line, which includes the Deal to London High speed link. The close proximity to the railway line and frequency of trains could result in noise disturbance to the potential occupants of the dwelling. Environmental Health request conditions to be imposed in the event that planning permission is granted, to demonstrate a scheme of sound insulation for the new dwelling. Subject to the required internal unoccupied noise levels being achieved, it is considered that the proposed occupiers could provide a good standard of amenity in line with Paragraph 135 of the NPPF and PM2 of the Local Plan.

Highways, Parking and Travel Impact

Travel

- 2.14 Paragraph 83 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The distance to nearest sustainable settlement of Deal is approximately 450m from the site (as the crow flies). However, access to Deal would be via private vehicle on main roads, or by an unlit, and unmade footpath which currently crosses open land. Residents of the proposed dwelling would not benefit from a frequent timetabled bus service.
- 2.15 The hierarchy for transport is to prioritise walking and cycling, then more sustainable forms of transport such as public transport and then the private car. Occupants of the proposed dwelling would be reliant on private vehicles for making long trips to reach day to day facilities and services such as schools, doctors and shops. It is unlikely that such trips would be made by foot or by bike due to the travel distance and routes which are available.
- 2.16 Given the rural location and distance to the nearest sustainable settlement the proposals would be contrary to paragraph 83 of the NPPF as housing on this site would not enhance or maintain the vitality of the nearest settlement and would therefore constitute unsustainable development.
- 2.17 Policy T11 states that development should, in so far as its size, characteristic and location, be readily accessible by sustainable transport modes through the provision of high quality, engineered, safe and direct walking and cycling routes within a permeable site layout, contribute to sustainable transport proposals including off-site improvements to cycling and walking routes and public transport facilities, and make provision for secure cycle parking and storage in accordance with the Parking Standards. It states that the Council will safeguard the Public Rights of Way network, and other existing cycle and walking routes, from development that would compromise their use and will encourage their enhancement and extension.
- 2.18 The application site is adjacent to the skylark loop cycle route, which connects Dover and Deal, with the villages in between. The application site would therefore have safe and direct access to cycle routes in accordance with Policy T11.

Access

- 2.19 The access is included for consideration within this application. The proposed access would be location close to the junction of Coldblow with an access leading to Coldblow Farm. There is an existing gap in the boundary vegetation and gates across this access point. Whilst leading to a grassed area of garden, it appears that this has been used for vehicular access to the existing dwelling. A plan indicating visibility splays has not been provided and it is not considered that the existing access would be capable of providing suitable visibility. However, it is note that the access would be onto a likely lightly traffic access road to Coldblow Farm, with reasonable visibility in either direction along Coldblow. Whilst it is not considered that the limited vehicle movements to and from the site would cause severe harm to highway safety, should permission be granted, it would be appropriate to require details of the visibility splays which could be achieved

(including some loss of boundary vegetation within the site) to be submitted for approval.

Parking

2.20 Policy TI3 requires proposals to meet the requirements of Kent Design Guide Review: Interim Guidance Note 3. These requirements set out that dwellings of 2 and 3 bedrooms require 2 spaces per dwelling. While the number of bedrooms has not been specified, the application site could comfortably accommodate 2 allocated parking spaces plus a visitor parking space if required. The proposals are therefore considered to be in accordance with Policy TI3.

3. Conclusion

3.1 The development would result in an unjustified development located in an unsustainable location beyond the settlement confines. Whilst some weight is attributed in favour of the development by virtue of the provision of an additional dwelling and short term economic benefits during the construction phase, it is not considered that these are unique to this site and they do not weigh heavily in favour of the development. Consequently, the proposals would conflict with the overarching aims and objectives of the Local Plan and the NPPF and it is recommended that planning permission should be refused. There are no material considerations which indicate that permission should be granted contrary to the development plan.

g) Recommendation

I PLANNING PERMISSION BE REFUSED, for the following reasons:

1) The development would result in an unjustified development located in an unsustainable location beyond the settlement confines, where occupants would be reliant upon the unsustainable forms of transport to access the facilities and services upon which they would rely. The development would be contrary to policy SP4 of the Local Plan and paragraphs 83 and 84 of the NPPF.

II Powers to be delegated to the Head of Planning and Development to settle the reasons for refusal in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer:

Amber Tonkin

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).