

**A05**

**F/TH/18/0890**

PROPOSAL:                   Erection of 1no. detached 3-bed dwelling

LOCATION:                    Land Adjacent 1 Dellside Wayborough Hill Minster RAMSGATE  
Kent

WARD:                        Thanet Villages

AGENT:                      Mr Matthew Beasley

APPLICANT:                 Mr G Stone

RECOMMENDATION:         Approve

Subject to the following conditions:

1       The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2       The development hereby approved shall be carried out in accordance with the submitted drawings numbered 18.1280.MB.PL004, 18.1280.MB.PL005, 18.1280.MB.PL006 and 18.1280.MB.PL007, received 26 June 2018.

**GROUND;**

To secure the proper development of the area.

3       Prior to the construction of the external surfaces of the development hereby approved, details of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

4       No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**GROUND;**

To ensure that features of archaeological interest are properly examined and recorded.

5 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND;**

In the interests of highway safety.

6 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway

- o walls, fences, other means of enclosure proposed

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

8 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2005 using the following protective fence specification - o Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

9 All excavations within the existing spread of the trees to be retained shall be carried out manually; using only hand held tools and any roots exposed thereby shall be bridged over in the construction of the foundations.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.

**INFORMATIVES**

Please be aware that obtaining planning permission and complying with building regulations are separate matters - please contact building control on 01843 577522 for advice on building regulations

The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

**SITE, LOCATION AND DESCRIPTION**

The site is currently part of the residential curtilage of number 1 Dellside. The redundant stable building is located in the south east corner of the site, close to both the southern and eastern boundaries of the site. To the immediate north of the application site is the other semi-detached dwelling of number 2 Dellside, whilst further to the north is the A299 with what appears to be a farm access from that road into the fields to the north. The land to the east and west is open agricultural land, whilst the land to the south was up until recently used for stabling and paddocks, with further isolated residential development further to the south. The site is screened by mature trees and hedges and access to the site is from Wayborough Hill.

## PROPOSED DEVELOPMENT

The proposed development seeks planning permission to demolish the redundant stable block and erect a detached 2-storey 3 bedroomed dwelling. The footprint of the dwelling would be larger than the existing stable and, with rooms within the roof, would have a ridge height of approximately 6.5 metres. A new access and parking area is also proposed.

### **Relevant Planning History**

F/TH/16/1020 - Change of use of stable/storage block to 1No dwelling, and erection of single storey extension to front and rear elevation GTD 03.01.2017

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan Policy (2006) Saved Policies**

CC1 - Development in the Countryside (urban and rural confines)

CC2 - Landscape Character Areas

D1 - Design Principles

D2 - Landscaping

H1- Housing

H4 - Windfall Sites

SR5 - Play space

TR12 - Cycling

TR16 - Car Parking Provision

### **NOTIFICATIONS**

Neighbouring residents have been notified, a site notice displayed and an advert placed in the Thanet Extra. No representations have been received.

**Minster Parish Council** object to the application on the following grounds:

The site has existing consent TH/16/1020 for change of use of stable /storage block to 1 No. dwelling and erection of a single storey extension to front and rear elevations. The officers recommendation for this application was for refusal. This was only approved by planning committee in accordance with the following: "That members approve the application subject to the following safeguarding conditions, as it will not have a significantly harmful impact and is in accordance with Paragraph 55 of the NPPF, does not exceed the original footprint and brings into use a building that may otherwise fall into dereliction". The new application is for a 3 bed dwelling and the footprint significantly exceeds the footprint of the disused stable building and is not in accordance with NPPF 55 as it is not re-using a redundant building. The site is outside the Parish Boundary and in the countryside, no need has been demonstrated to build a significantly larger house to override adopted policy CC1. The existing approved application provides a dwelling which is in accordance with providing housing as there is a lack of a five year housing supply.

## CONSULTEES

**Southern Water** - The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

**KCC Archaeology Officer** - The property lies in a rich archaeological landscape with known remains in close proximity including a Scheduled Monument in the field to the west of Wayside and known undesignated but significant remains in the field to the east.

The Scheduled Monument to the west is a Bronze Age enclosure and ring ditches. It is mainly known from cropmark evidence however excavations for the East Kent Access road just to the north identified an additional ring ditch which contained important burial remains including one burial with a unique triple vessel.

A further ring ditch was found during the construction of the new road immediately to the east of the present property and half of which is projected to lie within the property itself. A medieval enclosure of ditches was also found which would extend into the present site. These were set slightly further north than the works for the new building (see map below) but give a good indication of the likely hood of important remains being present.

I note that the proposal is to partially build on the footprint of the former stable building and create new access to the building. While there may already be some disturbance from the present building it is possible that important archaeology will be affected by development groundworks and it would therefore be appropriate that a programme of archaeological works is secured to mitigate this impact. I would further recommend that Historic England are consulted with respect to potential effects of development on the setting of the Scheduled Monument.

## COMMENTS

This application is brought before the Planning Committee as the proposal represents a departure from Policy H1 of the Thanet Local Plan, as the site is located in the countryside.

The main issues raised by this proposal are the effect of the proposal upon the character and appearance of the surrounding area, the impact upon the living conditions of the occupiers of nearby residential properties and whether there is a need for the development that overrides the need to protect the countryside.

### **Principle of Development**

The site lies within an area designated as countryside as defined by the Thanet Local Plan and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development should be on previously developed land within the urban confines.

The Council does not have a 5 year supply of deliverable housing sites as required by paragraph 11 of the NPPF. For residential development, this means that proposals for housing should be considered in the context of the National Planning Policy Framework's presumption in favour of sustainable development (paragraph 11). This is because local policies (including defined development boundaries) relating to the supply of housing are no longer considered up to date (paragraph 11). Paragraph 11 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would "significantly and demonstrably" outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

Policy CC1 of the Thanet Local Plan states that within the countryside, new development will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a need for housing within Thanet, however, the need for housing has to be balanced against the impact on the countryside and the sustainability of the site.

Policy CC2 relates to the Landscape Character Area and this site lies within The Former Wantsum North Shore Area where the policy states development will only be permitted that would not damage the setting of the Wantsum Channel and long views of Pegwell Bay, the Wantsum Channel, the adjacent marshes and the sea.

Paragraph 79 of the National Planning Policy Framework states decisions should avoid the development of isolated homes in the countryside unless the development would re-use redundant or disused buildings and enhance its immediate setting. This application is no longer for the re-use of the existing stable building, and will involve a development that is larger in both footprint and scale to the existing building. The question is therefore whether the proposal, as a new build development, would represent an isolated dwelling in the countryside that creates visual harm, and therefore whether the harm to the environment would outweigh the social and economic benefits of the development.

When considering the location of the proposed dwelling through the previously approved application (F/TH/16/1020) Members felt that given the proximity to the centre of Minster village and services, and the presence of surrounding development, that the development did constitute sustainable development within the countryside, in accordance with the NPPF. The previous application, whilst for a conversion of an existing building, did constitute the

creation of a new dwelling within the countryside, and given that this is an extant consent, the previous approval is a material consideration in the assessment of this current application.

The decision as to whether the proposed development could be considered as an acceptable departure to Local Plan Policy H1 is therefore dependent upon the visual harm of the proposed development to both the countryside and the Landscape Character Area, in addition to other material considerations, such as the impact upon living conditions and highway safety.

### **Character and Appearance**

The site is a parcel of land comprising a redundant stable building to the south of 1 Dellside. The site sits back from Wayborough Hill and is screened by mature trees and hedges to all boundaries of the site. Access to the site is from Wayborough Hill.

It is proposed to erect a 2-storey dwelling, incorporating rooms within the roof space, following demolition of the existing stable building. The proposed dwelling would be set further in from the rear boundary, with the main rear elevation of the proposed dwelling a further one metre from the rear boundary in comparison to the existing building, and the main front elevation a further 2.5m into the site, when compared to the existing front edge of the overhang of the stable block. The proposed front projection element is a further 5.2m further into the site than the front edge of the overhang of the existing building. The southern elevation of the proposed dwelling would extend a further 2 metres beyond the side elevation of the existing stable block, and the northern elevation will follow the line of the existing side elevation. The ridge height of the proposed dwelling would finish at approximately 6.5 metres, 3m higher than the height of the existing stable block. Concern is therefore raised with the enlarged size of the dwelling in comparison to the previously approved application, and the potential harm to visual amenity as a result of this enlargement.

The applicant has provided a landscape visual impact assessment comprising photographs showing views of the site from across the fields from Ivy Cottage Hill to the east and Laundry Road to the west and Way Hill to the south. In addition, more recent photographs have also been submitted, which show views of the site during Autumn months of the year when there is less tree cover. The photographs show that the site is mostly heavily screened by mature trees, and that whilst glimpses of existing outbuildings and stables can be seen through existing accesses and gaps in vegetation from Wayborough Hill, the existing stable block is fairly well screened from Wayborough Hill and from views from the west. From Ivy Cottage Hill to the west there are views of existing buildings between gaps in trees as these are close to this western boundary. The dwelling now proposed, being taller and wider with a large expanse of roof may be more visible from wider views than the previously approved single storey stable conversion, however, the applicant has attempted to physically indicate on site through the use of a visual aid the height of the proposed dwelling, and this is not easily visible from photos from the surrounding area suggesting that there would be limited visibility of the increased roof height. Any views of the proposed dwelling that would be glimpsed would be seen in the context of the existing cluster of buildings.

With regards to Thanet Local Plan Policy CC2, the District Landscape Assessment Survey informing the policy recognises the very open landscape comprising few features, the openness of this landscape providing wide and long views of the former Wantsum Channel area and Pegwell Bay. In this instance the site is located in an area comprising a cluster of buildings bounded by mature trees and soft landscaping. With regards to this policy the proposed development would not in itself intrude into the open landscape and is considered to have no greater material impact on the open character of the area that Policy CC2 aims to protect, than the existing stable and nearby development. The development therefore accords with this countryside policy.

The previously approved scheme, whilst including contemporary glazing along its front elevation, retained the character and appearance of a low level rural building such as outbuildings and stables. The proposed dwelling by contrast would have window openings within the front roofslope and a row of 7 rooflights would provide light to the hall and landing with a dormer providing a window to bedroom 2. Further windows are shown within the rear roofslope, including two dormers and two rooflights, providing windows for bedrooms 1 and 2 and two en-suite WC/shower rooms. The additional window openings at first floor level, together with associated light emitting from the property would draw attention to this additional built form, however, it is noted that the materials proposed for the external surfaces of the dwelling are timber cladding and slate for the roof, and these are considered to be traditional materials in keeping with development in this rural location.

The applicant has submitted examples showing how the approved scheme could be enlarged through permitted development allowance. The 'Approved with Permitted Development Visual' shows an elongated building with glazing to the front continuing the appearance of the approved scheme. Whilst this could indeed be built without the need for further consent, the resulting building would remain single storey and it is not unusual for stabling or rural buildings to be increased in this manner to accommodate the needs of expanding rural activities. As such the fallback position of extending the building, once completed, under permitted development allowance is acknowledged.

The proposed dwelling would add larger built form within this countryside location but its visual impact would be limited due to the proposed use of sympathetic natural materials of timber and slate and the existing trees and hedges within and surrounding the site, creating screening of the proposed development. It should be noted that the trees within the site are protected by Tree Preservation Order TH/TPO/6(1991), and therefore any future removal of trees in this location would require consent and any trees removed would require replacement planting. As such the site can be assured the benefit of substantial natural screening into the future.

Given the discrete location of the existing stable building, the extant permission for its conversion, the scale of the development proposed, the use of natural materials, and the extensive tree/hedge screening around the site, it is considered that, on balance, the social and economic benefits of the proposed development through the provision of an additional housing unit outweigh the minimal visual harm to the surrounding countryside and environment, and as such the proposed development is considered to be in accordance with Policies CC1 and CC2 of the Thanet Local Plan, and the NPPF.

## **Living Conditions**

With regards to living conditions the dwelling would be located some distance from neighbouring residential occupiers and would have little impact on neighbouring residential amenity.

The primary windows are located to the front and rear elevations and would not result in overlooking or loss of privacy directly facing neighbouring properties.

Both the extant and current proposals would provide living accommodation within the site with the relationship to the adjacent site remaining essentially the same. The proposed dwelling would be sited some distance from other dwellings and would therefore not have a detrimental impact upon neighbouring residential occupiers through noise disturbance, overlooking or loss of privacy. With regards to amenity for future occupiers the site has ample space for clothes drying, refuse storage and storage facilities.

The proposal is for a three bedroomed dwelling and as such would be required to provide safe doorstep play space for young children to meet the aims of Local Plan Policy SR5. The site would be able to comfortably provide safe play space to meet the aims of this policy.

It is therefore considered that the living conditions for future occupiers and neighbouring residential occupiers accord with the aims of Thanet Local Plan Policy D1, and paragraph 127 of the NPPF.

## **Highway Safety**

Access to the site from Wayborough Hill was included in the previously approved Site Block Plan. The Site Plan submitted with the current scheme includes an access at the same entry point from Wayborough Hill but shows the access extending further towards the northern boundary with 1 Dellside than that previously approved. The first 5 metres of the 3 metre wide access is annotated on the Site Plan to be a resin bound surface and a gate is shown approximately 11 metres into the site. The remainder of the access is shown laid to gravel with a paved area from the car parking area to the entrance of the dwelling.

Visibility from the access onto Wayborough Hill is partially obscured by the mature vegetation on the boundary. Additional landscaping is shown either side of the access road and the point at which the access leads onto the public highway is shown splayed widening the access from 4 metres to 5 metres, providing 2 metre by 2 metre visibility splays. Wayborough Hill is no longer a through road since being closed off at its northern end. The road serves a fairly low number of dwellings and other uses, including the site and its previous horse stabling activity, and the addition of one dwelling would be unlikely to cause significant harm to the highway network through additional vehicular movements. The site is large enough to provide off street parking and there would be room within the site for the safe storage of bicycles. The impact upon highway safety is therefore considered to be acceptable and in accordance with Policies TR12 and TR16 of the Thanet Local Plan, and the NPPF.

## **Archaeology**

The KCC Heritage Map shows a number of areas of archaeological interest close to the site. The Kent Archaeological Officer noted the proposed development would be partially built on the footprint of the former stable building together with a new access to the building and notes that there may already be some disturbance to archaeology from the present building. He raises concerns that it is possible that important archaeology will be affected by development groundworks and has recommended a condition to ensure that an appropriate programme of archaeological works is secured to mitigate this impact.

The Archaeological Officer recommends that Historic England be consulted with respect to potential effects of the development on the setting of the Scheduled Monument. The application site contains a stable block with nearby built form and the application site is heavily screened by mature trees from the site containing the Scheduled Monument. The edge of the field containing the Scheduled Monument is approximately 60 metres away from the front edge of the proposed dwelling and further physically separated by the presence of Wayborough Hill running north-south across the entrance to the site. The impact of the proposed dwelling on the setting of the Scheduled Monument is therefore not considered to be significantly different to the existing built form within the site and it was therefore not considered necessary to consult Historic England in this instance.

## **Conclusion**

The NPPF states that in the absence of a 5 year housing land supply, that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that given the discrete location of the development, the existing screening around the site, the realistic fallback position that a dwelling could be built in this location (which is considered to be a sustainable location in relation to Minster village and services), that the social and economic benefits of providing one dwelling would, on balance, outweigh the visual harm to the countryside and surrounding environment in this instance. There are considered to be no concerns in relation to neighbour amenity or highway safety, and the design is considered to be suited to the rural setting of the site.

In light of the above, it is therefore considered that the proposed development could be considered as sustainable development; and it is therefore recommended that Members approve the application, subject to safeguarding conditions, as an acceptable departure to Thanet Local Plan Policy H1.

## **Case Officer**

Rosemary Bullivant

TITLE: F/TH/18/0890

Project Land Adjacent 1 Dellside Wayborough Hill Minster RAMSGATE Kent

