

R04

OL/TH/19/0523

PROPOSAL: Outline application for the erection of 1No. single dwelling with all matters reserved

LOCATION: Huckleberry Farm Down Barton Road St Nicholas At Wade
BIRCHINGTON Kent

WARD: Thanet Villages

AGENT: Mr Ian Horswell

APPLICANT: Mrs P Evans

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed dwelling, by virtue of its location, form and character, would impact upon long distance views, and detract from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, whilst failing to protect the intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1, and paragraphs 127, 130 and 170 of the National Planning Policy Framework.

2 The site is outside the built up area boundary, and located on land that has no footpath connections with the village, and as such the proposed development is considered to represent an unsustainable form of development within the countryside, which fails to secure safe pedestrian access for future occupiers, contrary to Policy D1 of the Thanet Local Plan and Paragraphs 109 and 110 of the National Planning Policy Framework.

3 The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 177 of the NPPF and the Habitats Directive.

4 The proposed use of a sewerage treatment plant to serve the proposed development, given the sites location within the Groundwater Protection Zone and the proximity of the application site to the main sewer network, would result in an unacceptable risk of contamination of groundwater sources, contrary to Policy EP13 of the Thanet Local Plan and paragraph 170 of the National Planning Policy Framework.

SITE, LOCATION AND DESCRIPTION

The site lies outside the village confines of St Nicholas-at-Wade, as established by the Thanet Local Plan proposals map. The site is a parcel of land currently used as paddocks in

association with no. 4 Down Barton Road. The site fronts Down Barton and is located opposite another paddocks, and is surrounded by countryside. The site lies within the St.Nicholas at Wade Undulating Chalk Farmland Landscape Character Area (formerly known as the Former Wantsum Channel Character Area).

RELEVANT PLANNING HISTORY

F/TH/19/0175 - Change of use of land from agriculture to equestrian glamping and the provision of 4 no. mobile cabins for glamping use together with a caravan for use as a reception. Under consideration.

CU/TH/18/1273 - Application for a lawful development certificate for an existing dwelling. Refused January 2019.

CU/TH/17/1341 - Application for a lawful development certificate for an existing dwelling. Refused November 2017.

F/TH/14/0601 - Change of use of land from agricultural use to the keeping of horses and erection of stable block with associated parking. Approved September 2014.

F/TH/14/0214 - Change of use of agricultural land to land for the keeping of horses and erection of 2 no. stable and tack room. Approved May 2014.

PROPOSED DEVELOPMENT

The application is in outline form for the erection of a single storey dwelling with all matters reserved.

A Site Plan (Block Plan) has been submitted as part of the application (which is not annotated an illustrative), which shows the dwelling set back some metres from the Down Barton Road accessed via the existing access serving Huckleberry Farm, with the retention of some existing trees together with some additional planting.

A floor plan and some elevations have been submitted (not annotated as illustrative or indicative). This shows a single storey log cabin type building with a lounge, kitchen diner with utility room 4 bedrooms (one with ensuite) and a bathroom).

Whilst the proposal is seeking the acceptability of the principle of development of one residential unit, the submitted plans indicate a potential scheme that could come forward. Supplementary information in the accompanying Design and Access Statement for the application confirms that the proposal is for a detached 4-bedroom Norwegian log transportable home and therefore the scale of the development needs to be considered on the basis that any approval would be for these sized unit.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan (2006)

CC1 - Development in the Countryside (urban and rural confines)
CC2 - Landscape Character Areas
D1 - Design Principles
D2 - Landscaping
H1- Housing
SR5 - Play space
TR12 - Cycling
TR16 - Car Parking Provision
EP13 – Groundwater Source Protection

REPRESENTATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

Two representations objecting to the application have been received. Their comments are summarised below.

- Affect local ecology;
- Conflict with Local Plan;
- Inadequate access;
- Inadequate public transport provision;
- Increase in traffic;
- Increase in pollution;
- General dislike of the proposal;
- Strain on existing community facilities
- No opinion expressed on the development;
- Out of keeping with the character of the area;
- Over development;
- This is agricultural land and should remain so;
- Land is outside of the village envelope;
- If permitted would lead to more residential development and there is enough new housing coming to the village;
- This application should be read in conjunction with F/TH/19/0175 Equestrian glamping which would be sited immediately behind this site.

St Nicholas at Wade and Sarre Parish Council: "Would encourage KCC Highways to carry out a site visit and consider all the proposals being driven forward in this very tight area.

The revised NPPF 2018 leans at requiring priority to be given to pedestrian and cycle movements. With no further development to the access road (no new footpath) this remains incomplete. Therefore to add any further development to this surface area with no designated footpath goes against the NPPF and highway safety and thus is grounds for refusal. NPPF 2018 states at paragraph 84 that in rural areas, sites to meet local needs may have to be found adjacent to or beyond existing settlements, in locations not well served by public transport. In these circumstances, it should be ensured that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and

exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

The site is outside of the built up area boundary of the settlement and represents an unsustainable and isolated form of development within the countryside contrary to policies H1 and CC1 of the TDC Local Plan.

Although TDC have not yet adopted its new Local Plan, The applicants Design and Access Statement is incorrect when it highlights that Thanet has a deficit of housing supply, in relation to St Nicholas at Wade, as the number if proposed/approved dwellings exceed what was required from the proposed and previous Local Plan."

CONSULTATIONS

KCC Archaeology: note that the proposal is sited within an area of significant archaeological potential. The fields to the west and east contain evidence of ancient landscapes visible as crop marks on aerial photographs. These include clear evidence of prehistoric funerary monuments, enclosures, trackways, and fields of unknown date, pit groups and alignments and evidence for structures. Finds in the surrounding fields include artefacts of Iron Age, Roman, Saxon and Medieval date. The image below taken from a recent aerial photograph illustrates the crop marks found to the west of the site and which would, prior to the development of Huckleberry Farm have extended into the farm area.

I note that the area proposed for the new building has been previously affected by an area of hard standing. It may be that the works in creating this have affected archaeological survival in the area of development through the information submitted is not clear on that matter. I note that the elevations suggest a drop in site between the road and the new build.

Given the significant archaeological potential of the area I advise that provision should be made in any forthcoming permission for archaeological assessment and evaluation to be followed by appropriate mitigation measures to be agreed following the results of evaluation. The following clause would be appropriate:

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

KCC Highways: No comments due to the scale of the proposed development.

Southern Water: Would not support the proposals for a septic tank or private treatment plant in the presence of public foul sewerage network in the close vicinity of the development. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations. Require a formal application for a connection to the public sewer site to be made by the applicant. Initial investigations indicate there are no dedicated public surface water sewers to serve the development, with alternative drainage for surface water required.

COMMENTS

The application has been called to Committee at the request of Councillor Pugh for Members to debate whether the economic benefit that this dwelling would provide outweighs the concerns about visual impact on the landscape.

Principle

The application site lies outside of the village confines and is located on non-previously developed land and is therefore contrary to Policy H1 of the Thanet Local Plan, which requires that new residential development is on previously developed land within the urban confines.

The Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by paragraph 67 of the National Planning Policy Framework (NPPF). Planning applications should therefore be considered with a presumption in favour of sustainable development and the provisions of the NPPF with specific reference to Section 2 and paragraph 11(d).

In determining whether the development of the site is acceptable, the need for housing in the district will therefore need to be balanced against other issues such as the impact on the countryside and character and appearance of the area, impact on the highway network, impact upon living conditions, and sustainability of the development.

Character and Appearance

Impact on countryside and Landscape Character Area

Policy CC1 of the Thanet Local Plan states that new development within the countryside will not be permitted unless there is a need for the development that overrides the need to protect the countryside. There is a current need for housing within Thanet, and this needs to be balanced against the visual impact of the development upon the countryside.

The site also lies within the St.Nicholas at Wade Undulating Chalk Farmland Landscape Character Area (formerly known as the Former Wantsum Channel Character Area) for which the key sensitivities and qualities as identified within the Council's Landscape Character Assessment (2017) include the openness and undeveloped character of the farmland that contributes to the essentially rural character and relatively dark skies; occasional quiet rural lanes; and long distance panoramic views, big skies and uninterrupted sea views from elevated locations.

The site is currently unused and has some tree screening along some of its boundary with Down Barton Road, but the site can be seen from the existing access road and the surrounding area particularly from the residential end of Down Barton Road near the village. The trees are not protected by any Tree Preservation Orders or by virtue of being within a Conservation Area, as such they could be removed at any time. As such it is not considered that they can be relied upon to screen development on the site. As such any development within the site would intrude upon the views across the countryside from both Down Barton Road and Summer Road, which would detract from its open undeveloped character, affecting the long distance views from Down Barton Road and nearby properties. Due to its location it would appear as sporadic development that would encroach into the open countryside and would not appear as a logical expansion of the built form of the village. A Landscape and Visual Impact Assessment has not been submitted with this application, and therefore no evidence has been provided by the applicant to prove that the proposed development would not have a harmful impact upon the Landscape Character Area and surrounding countryside.

It is therefore considered that the proposed development would be significantly harmful to the character and appearance of the site and surrounding area. As such it would be in conflict with saved Policies CC1, CC2 and D1 of the Thanet Local Plan 2006 (the Local Plan), insofar as they seek to restrict development in the countryside and in the Former Wantsum Channel Landscape Character Area, unless it can be demonstrated that it is essential for the economic or social well-being of the area.

A recent appeal decision on a site in close proximity to the proposal dismissed an appeal for 6 dwellings on land north west of Down Barton Road in July 2019 (APP/Z2260/W/19/3225268) and concluded that policies CC1 and CC2 are generally consistent with the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside. This supports the officer's view that the intrinsic beauty and character of the countryside should be safeguarded, and as such great weight was applied to Policy CC2 of the Thanet Local Plan in the appeal.

It is therefore considered that the proposed development would cause harm to the Landscape Character Area, whilst also failing to protect the intrinsic beauty and character of the countryside, as it would not respect or enhance the character or appearance of the landscape. As such the proposed development is considered to be contrary to Policies CC1 and CC2 of the Thanet Local Plan and paragraph 170 of the NPPF.

Visual Impact

The proposal is in outline form with all matters reserved, but in order for the principle of this development to be accepted, a plan has been submitted showing how the residential unit could be accommodated on the site. This plan is not marked as illustrative or indicative, the plan shows the dwelling setback from the road with a surfaced/parking area and amenity space.

The site is located away from other dwellings in Down Barton Road and would appear as an isolated and stand alone dwelling. The site is surrounded by countryside, and therefore any

development would need to be of a modest scale and design, and sympathetic to its surroundings.

In this instance, although all matters are reserved for future consideration, it is noted from the information submitted that the proposal is for a single storey log cabin style development. Whilst there would be less visual intrusion given its single storey nature, concerns are potentially raised that it could be read as a temporary structure rather than perhaps the stable/rural building proposed by the applicants, as well as the footprint of the building from providing a 4 bedroom dwelling. It is also considered that the visibility of the proposed dwelling would be emphasised by the requirement for boundary treatment to provide safe and secure boundary treatment as required under Policy SR5 of the Local Plan and general domestic paraphernalia which would be associated with the occupation of a dwelling.

The proposed character and nature of the proposed development is therefore considered to be unacceptable, and out of keeping with the surrounding pattern of development, and the open rural character and appearance of the area, contrary to Policies CC1 and D1 of the Thanet Local Plan.

Living Conditions

The application is in outline form only, with only the principle of development being considered. However, a plan has been submitted showing the possible location of the dwelling.

The closest neighbouring property in Down Barton Road and is some 100m from the proposed development. As such, there is unlikely to be any significant loss of light or outlook for neighbouring occupiers.

The proposed dwelling would provide large rooms with light and outlook. It would be provided with a secure private amenity space in accordance with Policy SR5 of the Thanet Local Plan, and there is space within its curtilage to accommodate refuse storage, cycle storage and clothes drying.

The impact upon the living conditions or future and existing occupiers is therefore considered to be acceptable and in accordance with Policy D1 of the Thanet Local Plan and the NPPF.

Transportation

Access to the site is not being applied for at this stage. Consideration can therefore only be given to the provision of a residential unit on the site, and the potential impact to highway safety as a result of these additional vehicle movements.

KCC Highways and Transportation have been consulted and have advised that this is a non-protocol application, and therefore no formal highway comment has been provided.

The proposed layout suggests that the development would be accessed off the existing access road serving the larger Huckleberry Farm site and space would be available for off

road parking for at least two vehicles. As such the principle of the development is unlikely to cause significant highway safety concerns, especially given the quiet nature of this country lane.

Concerns are, however, raised with the lack of footpath provision, and the resulting lack of connectivity with the village and the services and facilities it offers. The application site is separated from the settlement by a narrow section of road, which contained no footpaths or public lighting, and would be unlikely to be attractive for pedestrians and unlikely to encourage cycling, particularly in winter months. The linkage between the site and the services and facilities in St Nicholas-at-Wade, including bus stops, was therefore generally poor and occupiers of the proposed dwelling would in practice be very reliant on a private car. It is, therefore, not considered that the proposed development would contribute to sustainable travel patterns. Furthermore, the lack of footpath provision is considered to result in a lack of safe pedestrian access for future occupiers, contrary to paragraph 110 of the NPPF.

The proposed development is therefore considered to be unacceptable in terms of its unsustainable location, and the impact that this would have on future occupiers of the development, resulting in unsustainable travel patterns and unsafe footpath links, contrary to paragraphs 109 and 110 of the NPPF.

Archaeology

Paragraph 189 of the National Planning Policy Framework states that 'where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

KCC's Archaeological Team have been consulted on the application and advise that the proposal is sited within an area of significant archaeological potential. The fields to the west and east contain evidence of ancient landscapes visible as crop marks on aerial photographs (crop marks to the west of the site which would have extended into the Huckleberry farm site). These show clear evidence of prehistoric funerary monuments, enclosures, trackways, and fields of unknown date, pit groups and alignments and evidence for structures, with finds in the surrounding fields include artefacts of Iron Age, Roman, Saxon and Medieval date.

The submitted application includes no assessment of the archaeological potential of the site or the impact from the development proposals. Without the submission of evidence to the contrary, it is considered that the proposed development in the form proposed could affect significant archaeological remains, the impact of which could only be determined through the undertaking of an archaeological field evaluation to determine the presence, location, nature, significance and condition of archaeological remains on the site.

It is, however, recognised that KCC's Archaeology Team advise an archaeological assessment and evaluation works could be conditioned for the site if permission were to be granted, and, as such, it is not considered that this matter should form a reason for refusal.

Other Issues

Ecology

No ecological information has been submitted with the application. KCC's Biodiversity Team have reviewed the application and advise that the site is mostly hardstanding and therefore is unlikely to have a significant ecological interest to require an ecological survey. However, they recommend that a precautionary mitigation approach is used when clearing the site as scrub/hedgerows may be used by reptiles or breeding birds. They suggest a condition requiring details of a precautionary ecological mitigation approach to be submitted and agreed by the Local Planning Authority should be imposed on any grant of planning permission. It is considered that this condition would be reasonable to ensure that the development does not result in harm to biodiversity, in accordance with Paragraph 170 of the NPPF.

Drainage

The site lies within the groundwater source protection zone and lies above a principal aquifer. The applicant has proposed a sewage treatment plant. Southern water have stated that they would not support the proposals for a septic tank or private treatment plant in the presence of public foul sewerage network in the close vicinity of the development site.

Policy EP13 states that if development in the Groundwater Protection Zone would have the potential to result in a risk of contamination of groundwater sources, it will not be permitted unless adequate mitigation measures can be incorporated to prevent such contamination taking place. Paragraph 170 of the National Planning Policy Framework states that planning policies and decisions should prevent new and existing development from contributing to, being put at risk from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution.

No mitigation is proposed to prevent contamination to the protection zone nor rationale for not connecting to the public sewerage network. As such, given the location of the application site within the Groundwater Protection Zone, the proposed use of a septic tank is considered to result in an unacceptable risk of contamination of groundwater sources, and will therefore be contrary to Policy EP13 and paragraph 170 of the National Planning Policy Framework.

The site does not lie within a flood risk area and it is not considered that the amount of development proposed would result in an increased flood risk, with surface water disposal able to be conditioned for agreement.

Impact on designated sites

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich

Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations

No undertaking has been submitted to secure the payment of this contribution. As such it is not considered that the mitigation required could be secured at this time. The Local Planning Authority would be in breach of the Habitat Regulations if it were to grant this application. Given this, the lack of a method to secure the contribution most form a reason for refusal for this application.

Conclusion

The proposal is contrary to Policy H1 of the Thanet Local Plan, as it would involve the development land outside of the village confines. Policy H1 has limited weight, and therefore consideration needs to be given as to whether the proposed development would constitute sustainable development.

The single residential unit proposed could only be considered as providing a limited social and economic benefit to the Council's housing supply; whilst the environmental harm to the open landscape character area is considered to be significant. Furthermore, the indicative character and nature of the proposal would result in a development that appears out of keeping with the undeveloped rural character of the area, and the surrounding pattern of development. The proposed development is not considered to be sustainably located in that no footpath provision to the village is provided, and as such future occupants are likely to rely on the car for transport; and no archaeological evidence has been submitted to prove that the proposed development would not impact upon archeological interest. The proposal has also not secured mitigation to avoid a cumulative impact upon the SPA from recreational disturbance. Therefore the application is recommended to be refused.

Case Officer

Annabel Hemmings

TITLE:

OL/TH/19/0523

Project

Huckleberry Farm Down Barton Road St Nicholas At Wade BIRCHINGTON
Kent

