

**R02**

**OL/TH/20/0923**

**PROPOSAL:** Outline application for the erection of a single storey dwelling with all matters reserved

**LOCATION:** Land Adjacent To 4 Downbarton Farm Cottages Down Barton Road BIRCHINGTON Kent CT7 0QQ

**WARD:** Thanet Villages

**AGENT:** No agent

**APPLICANT:** Mr Peter McIntyre

**RECOMMENDATION:** Refuse Permission

For the following reasons:

1 The site lies outside of the village settlement boundary, and as such represents an unsustainable form of development within the countryside for which there is no overriding need, contrary to Policies H01, SP01 and SP24 of the Thanet Local Plan, and paragraphs 7 and 8 of the National Planning Policy Framework.

2 The proposed dwelling, by virtue of its location outside of the village confines, would impact upon long distance views and detract from the open and undeveloped rural character of the area, thereby failing to protect the intrinsic character and beauty of the countryside, and severely detrimental to the local distinctiveness of the Landscape Character Area, contrary to Thanet Local Plan Policies SP24 and SP26, 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 other 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

OL/TH/19/0818 - Outline application for the erection of 5no. dwellings, with all matters reserved. Refused - 22 August 2019

The proposed dwellings, by virtue of their location, number and indicative layout and scale, 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.

The proposed development is located in an area where there is the potential for significant archaeology, and no archaeological field evaluation has been submitted with the application to determine the presence, location, nature, significance and condition of any archaeological remains within the site. As such, the proposed development in the form proposed could affect significant archaeological remains, and is therefore considered contrary to paragraph 189 of the NPPF.

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.

The proposed development, by virtue of its prominent location, the number of units and the indicated layout, would result in a cramped form of development fronting the street, and an isolated form of development to the rear, which would be severely out of keeping with the surrounding pattern of development, to the detriment of the rural character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

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.

## PROPOSED DEVELOPMENT

The application is in outline form for the erection of 1no. dwelling, with all matters reserved.

A block plan has been submitted as part of the application (which is not annotated as illustrative), which shows the provision of 1no. detached dwelling (annotated as proposed bungalow) fronting Down Barton Road.

Full elevation and floor plans have been submitted (with details of materials), none of which are annotated as illustrative or indicative. Whilst the proposal is seeking the acceptability of the principle of development, the submitted plans indicate a potential scheme that could come forward. In this case a detached 3-bed bungalow located approximately 10m from no.4 Down Barton Road, with the remainder of the paddock to be grass.

## DEVELOPMENT PLAN POLICIES

SP01 – Strategic Policy Housing  
SP24 - Development in the Countryside  
SP26 - Landscape Character Areas  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
HO1 - Housing Development  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
HE01 - Archaeology  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

### NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. Three letters of support have been received, which comment that the single storey development will not affect views, will not affect traffic, and will look nice in the area.

### CONSULTATIONS

**KCC Highways and Transportation** - It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with current protocol arrangements.

**KCC Archaeology** - I have checked our records and note that the proposal is sited within an area of significant archaeological potential. The fields to the west and north contain evidence of ancient landscapes visible as cropmarks 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 main focus of the activity is to the north west of the adjacent Huckleberry Farm but there is still potential in this area. To the north and east of this site are the remains of WW2 defence systems which are also visible on aerial photographs though the present site appears to be located just outside of these.

I note that the site is outline and does have flexibility to adjust development to accommodate preservation of archaeology if that was appropriate. 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.

**Southern Water** - Southern Water requires a formal application for a connection to the public sewer to be made by the applicant. We request that should this application receive planning approval, an informative is attached.

## COMMENTS

The application has been called to planning committee by Cllr Reece Pugh to allow members to consider whether the proposal will result in a wider benefit to the surrounding area.

### **Principle**

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

The application is in outline form with all matters reserved therefore details of access, appearance, landscaping, layout and scale cannot be considered at this time and would be submitted under reserved matters. Therefore the principle of the erection of a dwelling is the only issue being considered at this time.

The application site lies within an area designated as countryside as defined by the Thanet Local Plan. Policy H01 of the Thanet Local Plan states that permission for new housing development will be granted on non-allocated sites within the confines of the urban area and villages. Furthermore, Policy SP01 of the Thanet Local Plan states that the primary focus for new housing development in Thanet is the urban area as identified on the Policies Map. The proposal falls outside of the village confines, and is therefore contrary to Policy H01 of the Thanet Local Plan, whilst also failing to comply with the objective of Policy SP01.

The NPPF states that housing applications should be considered in the context of the presumption of sustainable development. In determining whether housing on the site would be acceptable, the social and economic benefits of the housing need to be balanced against the environmental issues, including the impact upon the countryside and landscape character area.

It is confirmed that a full allocation of housing for the plan period has been identified within the Thanet Local Plan, which in addition to the properties built, granted planning permission, empty properties to be brought back into use, and windfall sites, will exceed the Council's requirement of 17,140 of residential units during the plan period up until 2031. The Thanet Local Plan has been through examination and full consultation, and was recently adopted. The Thanet Local Plan 2020 can therefore be given substantial weight in decision making, with the Council's position being that we have a 5 year housing supply equating to 5.77 years (with a 20% buffer)."

Policy SP24 of the Thanet Local Plan considers development within the countryside, and provides a list of development within the countryside that is permitted through the policy. The proposed development does not fall within the list of development permitted; nor is it considered to fall under the isolated development criteria within the policy, given its location just outside of the village adjacent to existing development. The proposal is therefore considered to be contrary to Policy SP24 of the Thanet Local Plan.

Whilst located only just outside the village, the site has poor linkages to the village, and may therefore be reliant on the car to use the services and facilities of the village. This would be exacerbated by the fact that the site is not served by a footpath, there is no street lighting and this part of the road is particularly narrow, with only one car being able to utilise the road at any one time. The site is not therefore considered to be overly sustainable in its location, however, Members have approved an application for the erection of a dwelling at Huckleberry Farm to the west of the application site, and on this basis it would not be considered reasonable to refuse the application on the grounds of its location in relation to the village.

Due to the lack of overarching need for the proposed dwelling, there are only limited economic and social benefits that can be attributed to the provision of this single dwelling, which needs to be weighed against any environmental harm resulting from the proposal.

## **Character and Appearance**

### *Impact on countryside and Landscape Character Area*

The site 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. Policy SP26 of the Thanet Local Plan states that 'The Council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness. Development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness, in particular.....a sense of openness and 'big skies', particularly in the central part of the District.'

The site is currently used for paddocks, and is extremely open, with long distance panoramic views across the paddocks achievable to the open countryside beyond. The site is enclosed by a small picket fence, and there is very limited vegetation along the boundary. As such any development within the site would obstruct the long distance views, from both Down Barton Road and Summer Road, along with the sense of openness currently provided by the site.

A previous application on the site was refused under delegated authority for the erection of 5no. dwellings, on the grounds that the proposed dwellings, by virtue of their location, number and indicative layout and scale, 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. Whilst the number of units have reduced so that only a single unit is now proposed, the openness of the site within the landscape character area means that long distance views across the site will still be affected, causing harm to the undeveloped and rural character of the area.

Previous applications have been submitted for various sites opposite the application site. More recently a dwelling was approved at Huckleberry Farm, which was positioned behind existing boundary tree screening, thereby limiting any impact upon long distance views; and the conversion of the existing stables to a single dwelling was also approved, which involved no additional built form. In both cases the harm to the landscape character area was considered to be limited given the individual circumstances of each case. Other than these two applications, all proposals for the development of the open paddocks opposite the site have been refused due to the impact upon the landscape character area. This includes one application for the erection of a single dwelling, and another for the erection of 6no. dwellings, both of which have been dismissed at appeal.

When considering the application for 6no. dwellings the Inspector commented that the appeal site was undeveloped and formed part of the open rural landscape; and that the appeal proposal would introduce a relatively intensive form of development onto the site, which would detract from its open undeveloped character, restricting the long distance views from Down Barton Road and nearby properties. The proposed dwellings would cause the suburbanisation of the appearance of the site, which would significantly detract from its open and rural character. Due to its location it would appear as a separate pocket of development that would encroach into the open countryside and would not appear as a logical completion of the built form of the village.

The application for the site opposite was attempted to be justified by the applicant on the grounds that there was existing development both opposite the site, and further along Down Barton Road towards the village centre. This application differs for the site opposite in that whilst there is existing built form adjacent to the site fronting Down Barton Road (no.4), there is no development opposite, to the western side, or to the rear, and therefore it is considered that the proposed development would result in even greater visual harm than the schemes dismissed at appeal opposite as the proposal involves the extension of development into the countryside beyond any existing built form, it has greater visibility, with clear views of the proposed development possible from both Down Barton Road and Summer Road, and the scheme opposite had a backdrop of some industrial buildings, where as for the application site the surrounding landscape is completely open, offering significant long open views, one of the main contributors to the special character of the Landscape Character Area.

The Inspector concluded for the site opposite 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, 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. The Inspector considered these policies to be generally consistent with the Framework, which recognises the intrinsic character and beauty of the countryside. This further supported the previous Inspectors 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.

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 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 rural character or appearance of the landscape. As such it is not considered that the previous reason for refusal has been overcome, with the proposed development contrary to Policy SP26 of the Thanet Local Plan and paragraph 170 of the NPPF.

### *Visual Impact*

The previous proposal was refused on the grounds that the number of units, and the indicated layout, would result in a cramped form of development fronting the street, and an isolated form of development to the rear, which would be severely out of keeping with the surrounding pattern of development, to the detriment of the rural character and appearance of the area.

This proposal is for a single dwelling that fronts Down Barton Road and follows the same front building line of the adjacent semi-detached dwellings. Whilst the proposed footprint of the dwelling is indicated as being larger than the adjacent properties, the proposal is in outline form with the size and layout not being agreed at this stage. On the basis that only a single dwelling is now proposed, it is considered that this previous reason for refusal has been addressed, as a single unit will appear in keeping with the surrounding pattern of development within Down Barton Road.

At single storey level, as indicated, the proposed dwelling would also appear in keeping with the scale of surrounding development, with particular reference to the stable building opposite.

For these reasons, whilst the detrimental impact upon the open rural character of the countryside and landscape character area remains, the modest scale and layout of the proposal is not considered to appear significantly out of keeping with the surrounding pattern of development or character of the area. The proposal is therefore considered to be in accordance with Policy QD02 of the Thanet Local Plan but contrary to Policy SP26.

### **Living Conditions**

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

The closest neighbouring property in Down Barton Road is owned by the applicant, and is approximately 10m from the proposed development. As such, there is unlikely to be any significant loss of light or outlook for neighbouring occupiers. The proposed dwelling is indicated to be single storey, and as such there would be no loss of privacy for neighbouring occupiers.

For the future occupiers of the dwelling there would be adequate light, outlook, and privacy, and a good sized garden in accordance with Policy GI04 of the Thanet Local Plan.

The impact upon the living conditions of future and existing occupiers is therefore considered to be acceptable and in accordance with Policy QD03 of the Thanet Local Plan and paragraph 127 of the NPPF.

## **Transportation**

Access to the site is not being applied for at this stage, however the submitted layout plan suggests that a vehicular access would be provided adjacent to the vehicular access for no.4 Down Barton Road, which would utilise the existing access into the site and provide parking for at least 3no. vehicles. Visibility splays can be achieved from this access point, and in addition the proposal incorporates a 2m setback of the front boundary in order to create a passing place for vehicles in Down Barton Road. The impact upon highway safety is therefore considered to be acceptable.

The previous application was refused on the grounds that the site has no footpath connections with the village, and is therefore unsustainable in its location. Since this previous decision the dwelling at Huckleberry Farm has been approved by members with similarly no footpath connections, whilst also further from the village. On the basis that the site at Huckleberry Farm has been considered sustainable, it would be unreasonable to view this site as unsustainable. Furthermore, the presence of only one dwelling compared to the previous five dwellings means that the pedestrian movement from the site is much less than through the previous application. For these reasons the connectivity with the village from the application site is considered to be acceptable, and in accordance with Policies QD02 and TP02 of the Thanet Local Plan.

## **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'.

The submitted application includes no assessment of the archaeological potential of the site or the impact from the development proposals. KCC Archaeology has been consulted and advise that they've checked their records and note that the proposal is sited within an area of significant archaeological potential. The fields to the west and north 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 main focus of the activity is to the north west of the adjacent Huckleberry Farm but there is still potential in this area. To the north and east of this site are the remains of WW2 defence systems which are also visible on aerial photographs though the present site appears to be located just outside of these.

The previous application was refused on archaeology grounds, as no information had been submitted and the proposed 5no. dwellings would have covered the site. This proposal is for a single dwelling, and therefore has greater flexibility in terms of the location of the development. For this reason KCC has advised that a safeguarding condition would be appropriate in this instance, and as such the previous reason for refusal is no longer considered necessary.

The impact upon archaeology is therefore considered to be acceptable, and in accordance with Policy HE01 of the Thanet Local Plan, and paragraph 189 of the NPPF.

## **Ecology**

Whilst no ecological information has been submitted with the application, KCC Biodiversity have previously advised that when reviewing the data they have available to them that the proposed development has limited potential to result in ecological impacts. No further information or conditions are therefore required.

## **Drainage**

No concerns have been raised by Southern Water regarding drainage from this site, and as such the impact on flooding is considered to be acceptable subject to safeguarding conditions and informatives.

## **SPA contribution**

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' 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. The proposed development is within close proximity of the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

The tariff for this contribution is provided in the SAMM report, and for this outline proposal for a 3-bed dwelling is £424. This mitigation means that the Council accords with the Habitat Regulations and an appropriate assessment has been undertaken. The applicant has agreed to this contribution, which has been secured through a legal agreement.

## **Conclusion**

There is no overriding need for the proposed dwelling, and therefore the provision of this single unit could only be considered as a very modest social and economic benefit to the Council's housing supply. Whilst the provision of a single dwelling has removed a number of the reasons for refusal associated with the previous 5no. dwelling scheme, the proposal still involves the development of an open rural site within the countryside, the loss of which will impact upon long views within the landscape character area, and be detrimental to the rural

and undeveloped character of the site. The very modest social and economic benefits of the scheme are not considered to outweigh the environmental harm to the landscape character area and countryside, resulting in an unsustainable form of development contrary to Policies SP01, SP24, SP26, and HO1 of the Thanet Local Plan, and paragraph 170 of the NPPF. It is therefore recommended that members refuse the application.

**Case Officer**

Emma Fibbens

TITLE:

OL/TH/20/0923

Project

Land Adjacent To 4 Downbarton Farm Cottages Down Barton Road  
BIRCHINGTON Kent CT7 0QQ

