

**R03**

**F/TH/20/0571**

PROPOSAL:                   Erection of a detached two storey dwelling

LOCATION:                    Land South Of Orchard House Sheriffs Court Lane  
RAMSGATE Kent

WARD:                        Thanet Villages

AGENT:                      Mr Phil Dadds

APPLICANT:                 Mr William Holbrook

RECOMMENDATION:         Refuse Permission

For the following reasons:

1       The proposed dwelling, by virtue of its location and design, 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, resulting in demonstrable harm to the environment not outweighed by public benefits, contrary to Thanet Local Plan Policies SP24 and SP26 and paragraphs 127 and 170 of the National Planning Policy Framework.

2       The proposed development will result in additional 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 policy SP29 of the Thanet Local Plan and paragraph 177 of the National Planning Policy Framework.

#### SITE, LOCATION AND DESCRIPTION

The site is located on the eastern side of Sheriffs Court Lane, Minster. The site is currently curtilage associated with the donor dwelling to the north of the site, known as Orchard House. The land is slightly raised to the highway. The site is open to the neighbouring dwelling (north) and to the south abutting farmland. There is a timber post and rail fence to the highway boundary and hedging to the eastern boundary adjacent farmland.

The site is located in designated countryside as defined by the Local Plan between Minster and Monkton.

Sheriffs Court Lane is a narrow single width road with a mix of semi-detached dwellings.

#### RELEVANT PLANNING HISTORY

No relevant planning history.

## PROPOSED DEVELOPMENT

Full planning consent is sought for the erection of a detached two storey dwelling. The proposed dwelling would have its principle elevation facing northwards; facing the front elevation of Orchard House (donor property) and its rear elevation facing south, accordingly the side elevation (west) would face Sheriffs Court Lane. The dwelling is designed with a two storey central largely glazed element that links the two main living areas at either end of the dwelling; one with the ridge parallel to the Lane and the other parallel to the Orchard House.

The plans indicate that the external materials are to be off white/cream render to the ground floor with pale grey/green cement fibre horizontal cladding to the first floor. Window and door openings would be pale grey/green stained double glazed timber and roof tiles to be blue/grey slate. The driveway would be gravel and all boundary treatments would be timber post and rail fencing with timberfield and entrance gates all as existing.

In terms of accommodation the dwellings would provide kitchen, utility, study, WC, dining and living room at ground floor. At first floor there are three bedrooms, shower room, a master bedroom with ensuite and walk-in wardrobe, this opens out onto a first floor terrace area (access is also gained from the landing (south elevation)).

## DEVELOPMENT PLAN POLICIES

### **Thanet Local Plan**

SP01 – Spatial Strategy - Housing  
SP24 - Development in the Countryside  
SP26 - Landscape Character Area- Wantsum North Slopes (east side) & Stour Marshes (west side)  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP31 - Biodiversity Opportunity Areas  
SP35 - Quality Development  
SP37 - Climate Change  
SP43 - Safe and Sustainable Travel  
H01 - Housing Development  
HO9 - Housing in Rural Settlements  
GI04 - Amenity Green Space and Equipped Play Areas  
QD01 - Sustainable Design  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
HE01 - Archaeology  
CC01 - Fluvial and Tidal Flooding (north-western part of site)  
TP02 - Walking  
TP03 - Cycling

TP06 - Car Parking

## NOTIFICATIONS

Letters were sent to adjoining occupiers, a site notice posted close to the site and the application publicised in a local newspaper (departure).

No third party representations were received.

**Minster Parish Council:** No objections.

## CONSULTATIONS

**KCC Archaeology:** The proposal lies in an area with archaeological potential related to its location on the shorelines of the Wantsum that have been attractive for ancient settlement since early times. Remains of prehistoric, Iron Age and Roman, Saxon and medieval date have been found in similar topographical locations near to the site. The new dwelling is proposed to be built in an area that has been previously undeveloped and could potentially affect archaeological remains.

I would therefore recommend that in any forthcoming consent provision is made for a programme of archaeological works to be secured through condition.

**Environment Agency:** Based on the submitted information we consider that planning permission could be granted for the proposed development if the following planning condition is included relating to a foul drainage strategy. Without this condition, the proposed development poses an unacceptable risk to the environment and we would object to the application. The response also offers an advisory note that the developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures.

**Southern Water:** Southern Water would not support the proposals for a package treatment plant in the presence of a public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development.

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

**Natural England:** On the basis of the appropriate financial contributions being secured to the relevant scheme. NE concurs with your authority's conclusion that this is suitable mitigation, as such the proposed developments will not have an adverse effect on the integrity of Thanet Coast and sandwich Bay SPA and Ramsar site.

## COMMENTS

This application is referred to the Planning Committee at the request of Cllr. Pugh on the basis that "the housing that this application will provide outweighs overdevelopment as Sheriffs Court Lane is a quiet area with very little housing and will not be noticed in the surrounding area."

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

### **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 site is located outside of the settlement boundary of Minster as identified within the Proposals Map of the Local Plan and as such is within the countryside. Additionally the site is within Landscape Character Areas Wantsum North Slopes and Stour Marshes (east and west sides respectively).

Planning policy has a presumption in favour of sustainable development, the proposal needs to accord with the three dimensions which underpin such development, i.e. economic, social and environmental aspects which are mutually dependent. Paragraph 170 of the NPPF states that the intrinsic character and beauty of the countryside should be recognised.

Policy SP01 which details development will be permitted within the identified confines of the rural villages this is reiterated in Policies HO1 and HO9.

Policy SP24 of the Local Plan sets out criteria where development on non-allocated sites in the countryside will be permitted.

At the current time, the District Council has not met its Housing Delivery test. Consequently, the Council's policy SP01, which focuses housing development within the urban area, is considered out-of-date and the weight attached to this policy is limited. In accordance with

paragraph 11 of the NPPF, applications for housing should be considered in the context of the presumption in favour of sustainable development.

Paragraph 11 of the NPPF describes the presumption in favour of sustainable development and closes by saying that where development plan 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 in this Framework taken as a whole or specific policies in this Framework indicate development should be refused”.

The site is located in the countryside, outside the development boundary for Minster. Given that this proposal is not site within a settlement with services, it is difficult to see how this could be defined as ‘sustainable’. It is confirmed that Sheriffs Court Lane has no street lit footpath links to the main road which connects the villages of Minster and Monkton. Furthermore there is a distance of approximately 0.4 miles to the defined edge of Minster village and 0.38 miles to the defined edge of Monkton village. The nearest public transport link, bus stop is some distance from the site within the two villages. Whilst I appreciate that the village of Minster has a full range of services including shops, takeaways, restaurants, veterinary and railway station the site is some distance away as these services are located at the eastern edge of the village centre.

In March 2017 the Planning Inspector upheld an appeal for development at the land adjacent to 151 Monkton Road within the countryside and in close proximity to this site decision has relevance to this proposal.

The Inspector detailed within his report that This site 'lies well outside the built up village confines of both Monkton and Minster as defined by the Thanet Local Plan (2006) and consequently in the countryside for planning policy purposes. The villages of Monkton and Minster both offer a good range of services and facilities. Monkton has a village hall, church, primary school and recreation ground whilst Minster has an even wider range of facilities with some shops, post office, primary school and a railway station. The appeal site is within 2km of most of these facilities and not far from the built-up confines of either village; it is not therefore an isolated location.' (paragraph 5).

The Inspector concluded that 'the proposal would provide an additional dwelling with important social and economic benefits for the area and make a small but useful contribution to the housing land supply shortfall in the district.' 'The adverse environmental impacts of the proposal are minimal and these are significantly and demonstrably outweighed by the benefits. The presumption in favour of sustainable development therefore applies in this case.' (paragraph 15).

Having regard to the above the site is considered to be a sustainable location in terms of proximity to services, taking account of the criteria within the comments of the Planning Inspector, however it is reliant on private vehicles to access those services safely. Therefore it falls to consider all other material planning considerations.

## **Character and Appearance**

Paragraph 127 of the NPPF states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create place that are safe, inclusive and accessible. Policy SP35 relates to the quality of development and states that new development will be required to be of high quality and inclusive design. Policy QD01 relates to sustainable design and sets out that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gasses and have resilience to function in a changing climate. Policy QD02 is a general design policy and sets out that the primary planning aim in all new development is to promote or reinforce the local character of the area and provide high quality and inclusive design and be sustainable in all other respects. External spaces, landscape, public realm, and boundary treatments must be designed as an integral part of new development proposals and coordinated with adjacent sites and phases.

The proposal comprises the erection of a dwelling, comprising a four bedroom detached dwelling. The dwelling would be two storey in height and front the driveway between the proposal and Orchard House. The vehicular entrance would be widened by approximately 1m.

The dwelling has been designed to reflect elements of Orchard House with pitched roof dormers in the rear elevation. The overall design is quite different having three visual elements which are apparent in the front and rear elevations. The two elements are linked by a glazed central piece. To one side of this is a gable front which projects forward of the glazed element and to the other side is an element that has the ridge parallel to the driveway. The external materials to be used would include off white/cream render, pale grey/green cement fibre horizontal cladding at first floor, pale grey/green double glazed timber windows and blue grey slate. The detached property would have a distinct architectural design. There is no strong overriding character within the streetscene. Given this and the separation between dwellings I consider that this design would not appear out of keeping with the properties in the area, with the choice of materials reflect the contemporary design of the dwellings.

#### *Impact upon Landscape Character Area*

SP26 (landscape character areas) describes the Chalk Slopes area as being very open with few features and the former shoreline is more distinct in some places than in others, with the variation in the contour pattern. From the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea.

The marshes are described as the area that separated the Isle of Thanet from the mainland and formed part of the former Wantsum channel. Areas are characterised by a vast, flat, open landscape defined by the presence of an ancient field system, defined by an extensive ditch and dyke system, the sea walls and isolated groups of trees and produce huge open skies.

In terms of the landscape character areas (policy SP26); in summary requires Thanet's landscape character and local distinctiveness to be conserved and enhanced. Although the appeal site adjoins an existing dwelling to the north, the proposal could not be classed as in-fill development as to the west, south and east it is farmland. Whilst it is appreciated that the site is garden land belonging to Orchard House, it is currently devoid of built form and is characteristic of the wider open rural landscape. The dwelling would be readily visible from the surrounding area due to its elevated position to the highway and from the south of the site. The proposal would therefore have a detrimental impact upon the landscape character area affecting the open landscape especially given its two storey height, harming the rural character of the area and be contrary to the landscape character policy.

Whilst I appreciate that soft landscaping is proposed to bolster or create new hedging where at present there is no soft landscaping the site boundaries, I do not consider that this would sufficiently mitigate against the harm resulting from a permanent two storey dwelling in this location.

In the supporting documentation the agent argues that a mobile home/caravan could be sited on the site for ancillary purposes and that this is a reasonable fall-back position. Whilst this is noted, the proposal for consideration is a two storey dwelling and would exceed the measurement thresholds for the definition of a caravan, the proposal relates to a built structure with foundations etc which has permanence and the method of construction is entirely different. It is not considered that this offers a reasonable fallback position.

As such, the visual impact upon the countryside and landscape character area is considered to be unacceptable.

The boundary treatment between the site and the front facing the driveway and Orchard House beyond is shown as a post and rail fence. Adjacent to the farmland to the east and south this is shown to be in part post and rail fencing, mix of existing and proposed hedgerow and native trees. Native hedge planting is also proposed to Sheriffs Court Lane. This finish would allow views towards the dwelling from outside the site.

The proposal is therefore considered to be contrary to Policies SP26 and QD02 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy QD03 of the Local Plan deals specifically with living conditions. This policy states that all new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.
- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.

- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The proposal would not cause any amenity issues to the degree that would warrant a refusal and the impact on the neighbouring dwelling to the north has been considered.

Whilst there are first-floor windows on the north side elevation these serve non-habitable rooms; shower room, stairway/landing, dressing room/walk-in wardrobe and ensuite and therefore there would be no impact with regard to overlooking.

There is approximately 21m between Orchard House and the proposed dwelling and given this separation it is not considered to be overbearing.

There is no neighbour directly opposite and no other neighbour who could be impacted with regard to amenity issues due to the distance of separation. The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 127 National Planning Policy Framework.

Doorstep playspace is required for all 2-bed units or more under Policy GI04 of the Thanet Local Plan, along with refuse storage, clothes drying and cycle storage space. The proposed dwelling has a good sized garden to the rear and side of the dwelling which would constitute an enclosed doorstep playspace. Orchard House (the donor dwelling) would also have a good sized curtilage to its side and rear remaining to comply with this policy.

In terms of the living conditions of the future occupiers of the proposed dwellings, Policy QD03 requires new development to be of an appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in Policy QD04, which are the National Described Space Standards (March 2015). Paragraph 127 of the National Planning Policy Framework requires development to provide a high standard of amenity for existing and future users, with all windows serving primary habitable rooms required to provide an acceptable level of outlook, natural light and ventilation for the rooms. The proposed dwelling meets all of these criteria in terms of the overall floor space and window provision to habitable rooms and is therefore considered policy compliant.

## **Transportation**

Paragraph 108 of the NPPF says that in assessing applications for development it should be ensured that:

Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;

Safe and suitable access to the site can be achieved for all users; and

Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The NPPF supports through section 9 Promoting Sustainable Transport & paragraph 110, in part, the need to 'minimise the number and length of journeys', encouraging the importance of being able to 'give priority first to pedestrian and cycle movements' and 'so far as possible facilitating access to high quality public transport'...

As outlined above, the development would be reliant on private forms of transport. No provision has been made for the principles of Policy TP02, which expects new development to be designed to facilitate safe and convenient movement by pedestrians. The site has no safe pedestrian access to Monkton Road to access Minster or to public transport links.

The proposed development would provide at least two off-street parking spaces for each dwelling. The private drive (existing driveway to Orchard House) would enable residential occupiers and visitors to not park on the lane and should therefore not contribute to congestion. The parking provided is to the required standards. There would be ample space within the development for the safe storage of bicycles. The proposal therefore accords with the aims of Thanet Local Plan policy TP06. The parking provided meets Kent Highway Parking Standards and the layout would provide a safe means of access and egress to the site for vehicles.

### **Other matters**

The dwelling is located on part of the application site that is located within Flood Zone 1, although it is recognised that the site (not containing built form) is within Flood Zone 2. Environment Agency have not objected in terms of flood risk although do suggest raising ground or finished floor levels and/or incorporating flood proofing measures, but not required.

Given the concerns of the Environment Agency and Southern Water it is considered reasonable for a condition to be imposed relating to a foul drainage strategy.

KCC Archaeology recommend a condition for a programme of archaeological works, this is considered reasonable given the site lies in an area with archaeological potential related to its location on the shorelines of the Wantsum that have been attractive for ancient settlement since early times.

### **Contributions**

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.

This application includes a draft Unilateral Undertaking which seeks to provide the required financial contribution for the four bed residential unit to mitigate the additional recreational pressure on the SPA area. As the proposal is not supported by officers this has not been progressed to agreement to avoid abortive work for officers and the applicant.

## **Conclusion**

Whilst the site lies within the countryside as identified by the Local Plan, the authority has not met the Housing Delivery test result for 2020.

Paragraph 11 of the Framework states that in situations where a Council does not meet the housing delivery test, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly the proposal must be viewed in the context of the presumption in favour of sustainable development and the tests of paragraph 11 of the NPPF. Each of the aspects relating to sustainable development; economic, social and environmental dimensions are not considered in weighing up the planning balance.

When considering the benefits of the application the proposal would provide some limited support to the construction industry and to the local economy through the subsequent spend of future occupants. However, given the small scale of the development, these benefits would carry limited weight.

Similarly, the small size of the development means the contribution to housing land supply would be limited. Nevertheless, this attracts some weight given the failure of the housing delivery test.

In terms of the environment dimension it is considered that there would be demonstrable harm to the character of the area, landscape and wider countryside as the proposed two storey dwelling would be seen from the surrounding area due to its elevated position and would not represent in-fill development. The dwelling would also be reliant on the car with no safe pedestrian access and limited connection to services.

Therefore on the planning balance the environmental harm outweighs the minor benefit to the District from the provision of one dwelling, therefore the application is recommended for refusal.

## **Case Officer**

Gill Richardson

TITLE:

F/TH/20/0571

Project

Land South Of Orchard House Sheriffs Court Lane RAMSGATE Kent

