

**A06**

**F/TH/22/0957**

PROPOSAL: Retrospective application for the change of use from agricultural land to garden area together with the erection of a boundary fence and outbuilding.

LOCATION: The Outlook Foxborough Lane Minster RAMSGATE Kent

WARD: Thanet Villages

AGENT: Mr Zach Tugwell

APPLICANT: Mr Vine

RECOMMENDATION: Approve

#### SITE, LOCATION AND DESCRIPTION

The site is located to the east of The Outlook and borders open countryside to the north and east. A fence has been erected around the site and a small area of agricultural land remains outside of the site, between the southern boundary and Foxborough Lane.

#### RELEVANT PLANNING HISTORY

F/TH/02/0656 - Erection of rear, lean-to roof, conservatory. Granted 23 August 2002

F/TH/01/0740 - Erection of pitched roof detached garage fronting foxborough lane. Granted 24 October 2001

F/TH/01/0133 - Formation of a vehicle access. Granted 29 March 2001

#### PROPOSED DEVELOPMENT

This is a retrospective application for the change of use of agricultural land to garden area together with the erection of a boundary fence and outbuilding. The area measures 7.8m wide and 24m long and has been enclosed by a close boarded fence with a trellis above with a maximum height of 2.19m. The northern boundary of the extended garden area follows the previous northern boundary of the dwelling. An outbuilding has been erected at the northern end of the site and is set in from the northern boundary by 2.4m and the eastern side boundary by 1.5m.

#### DEVELOPMENT PLAN POLICIES

SP24 - Development in the Countryside

SP26 - Landscape Character area

E16 - Best and Most Versatile land

QD02 - General Design Principles

QD03 - Living Conditions

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice was posted close to the site.

Nine letters of objection have been received raising the following concerns:

- Impact upon ecology
- Development has been completed without consent
- Loss of agricultural land
- Land should be used for food production
- Potential for future development
- Land should be returned to the original owner
- Height of the boundary fence
- Impact upon the character and appearance of the area
- Building erected within the site
- No consultation previously completed
- Development is unnecessary
- Development too high
- General dislike of proposal

### CONSULTATIONS

None received.

### COMMENTS

This application has been called in by Cllr Smith to consider the loss of agricultural land.

#### **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 site lies outside of the boundary of the urban confines and therefore policy SP24 of the Thanet Local Plan applies. This policy states that "development on non-allocated sites in the countryside will be permitted for either:

- the growth and expansion of an existing rural business;
- the development and diversification of agricultural and other land based rural businesses;
- rural tourism and leisure development;
- the retention and/or development of accessible local services and community facilities;

or the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated."

This policy does not restrict the change of use of land outside of the urban confines to residential garden land and therefore, it falls to consider the impacts of the development and whether the development would result in harm to the countryside, landscape character areas and other material planning considerations.

### **Loss of Agricultural Land**

Policy E16 of the Thanet Local Plan states: "Except on sites allocated for development by virtue of other policies in this Plan, planning permission will not be granted for significant development which would result in the irreversible loss of best and most versatile agricultural land unless it can be clearly demonstrated that:

- 1) the benefits of the proposed development outweigh the harm resulting from the loss of agricultural land,
- 2) there are no otherwise suitable sites of poorer agricultural quality that can accommodate the development, and
- 3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

The site measures 7.8m wide and 24m deep and previously formed the corner of the agricultural field. The loss of an area of land of this size for agricultural purposes is not considered to result in significant harm to the supply of agricultural land supply in the district to warrant refusal of the application. The public benefits of this proposal are limited, however given that this development does not result in the loss of a significant area of agricultural land and would not compromise the remainder of the adjacent agricultural holdings or lead to further significant losses of high quality agricultural land, the impact upon agricultural land is therefore not considered to be significantly harmful.

### **Character and Appearance**

Outside of the urban confines policy SP24 requires all development proposals to be of a form, scale and size which is compatible with, and respect the character of, the local area and surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated. Policy SP26 states that within the Landscape Character Area development proposals should demonstrate how their location, scale, design and materials will conserve and enhance Thanet's local distinctiveness. The Wantsum North Slopes landscape is 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 former shoreline is more distinct in some places than in others, with the variation in the contour pattern.

Paragraph 130 of the National Planning Policy Framework states that development should be sympathetic to local character and the surrounding built environment and establish and maintain a strong sense of place.

Policy QD02 of the Thanet Local Plan provides general design principles for new development and states 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.

Prior to the change of use of the land occurring the site was enclosed by a brick boundary wall of varying heights and a number of outbuildings were located on the eastern boundary of the site. Soft landscaping including trees and bushes are located along the Foxborough Lane boundary of the site and extend to the east resulting in the site only being visible in long views across the fields from the east. The area of land does not extend further to the north than the residential rear boundary of the site. Therefore given that the site is only visible in long views and given the limited width of the site and the outbuildings and boundary wall that were previously visible, the fence, outbuilding and change of use of this area is not considered to result in significant harm to the character and appearance of the area, the landscape character area, or the wider countryside, in line with policies QD02, SP24 and SP26 of the Thanet Local Plan and the National Planning Policy Framework.

### **Living Conditions**

The boundary of the site is set in from the highway and there are no neighbouring properties to the north or east of the site.

A number of outbuildings are located on the southern side of Foxborough Lane opposite the site and the existing dwelling is located between the site and the neighbouring dwellings to the west. The use of the site as a residential garden is not considered to result in a significant increase in noise and disturbance and given the position of the fence and outbuilding this development is not considered to result in any significant loss of light, sense of enclosure or overlooking to the neighbouring dwellings.

It is therefore considered that this development does not result in any significant harm to the living amenity of the neighbouring property occupiers, in line with policy QD03 of the Thanet Local Plan and the National Planning Policy Framework.

### **Transportation**

No alterations are proposed to the existing access to the site and the fence and outbuilding are located away from the boundary of the site. This development is therefore not considered to result in any significant harm to highway safety or parking in the area.

### **Other Matters**

Concern has been raised regarding the potential for future applications for residential development to be submitted for the site. No residential development is proposed as part of this application and any future applications would be considered on their own merits.

The site is located within the Groundwater Protection Zone as defined by policy SE04 of the Thanet Local Plan, however the use as residential garden land is not considered to present any significant risk of contamination to protected water.

Retrospective applications for planning permission are considered in the same way as applications for proposed development and there is no requirement for the applicant to complete a consultation.

Concern has been raised regarding the impact of the development upon biodiversity in the area. The site previously comprised the corner of an agricultural field that appears to have been regularly farmed. Given the limited scale of the site and the nature of the site, with no significant ecological features, this development is not considered to have resulted in any significant harm to biodiversity in the area.

## **Conclusion**

This development has resulted in the loss of a small area of farmland, however given the limited size of the site the loss of this area would not compromise the wider agricultural holding, and due to the position of the new outbuilding, and the outbuildings and boundary treatment that were previously visible, this development is not considered to result in any significant harm to the character and appearance of the area, the living conditions of the neighbouring property occupiers, highway safety or biodiversity. It is therefore considered that this application should be approved.

## **Case Officer**

Duncan Fitt

TITLE: F/TH/22/0957

Project The Outlook Foxborough Lane Minster RAMSGATE Kent

