

R12

F/TH/23/0026

PROPOSAL: Erection of 1No single storey 3-bed dwelling (self build)

LOCATION: Land North Side Of Down Barton Road St Nicholas At Wade
Kent

WARD: Thanet Villages

AGENT: Miss Karen Banks

APPLICANT: Mr and Mrs D Richards

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The proposed dwelling, by virtue of its prominent location, would appear visually divorced and isolated, impacting upon long distance views, and detracting 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 SP24, SP26, and QD02, and paragraphs 130 and 174 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 182 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 rectangular and comprises a grassed area and there is a small building on the site and some containers. To its north is glamping site (known as Gooseberry Farm Glamping), to its east is an residential bungalow, to its west is the access to the glamping site beyond the access road is open countryside and to the south of the site is also open countryside. The site lies within the St.Nicholas at Wade Undulating Chalk Farmland Landscape Character Area.

RELEVANT PLANNING HISTORY

Application site

F/TH/22/0423 - Erection of a single-storey 3 bedroom detached dwelling. Refused 1st July 2022. Appeal in progress.

F/TH/20/1475 - Erection of 1 no. single storey 3 bed dwelling. Refused 18th December 2020.

F/TH/20/0258 - Erection of 1 no. single storey 3 bed dwelling. Refused 28th July 2020.

Adjoining site to the north

F/TH/22/1400 - Change of use of existing barn to two storey 2 bedroom holiday let. Under consideration.

F/TH/22/1199 - Erection of a single storey 1No three bedroom dwelling. Under consideration.

F/TH/21/0934 - Variation of condition 2 attached to Planning Permission F/TH/19/0175 for the change of use of land from agriculture to equestrian glamping and provision of 4No. mobile cabins for glamping use together with a caravan for use as a reception to allow a retrospective increase in height of the mobile cabins. Approved 22nd October 2021.

F/TH/20/0668 - Erection of 1No three bedroom dwelling for accommodation for glamping site manager. Refused 9th October 2020.

F/TH/19/0175 - Change of use of land from agriculture to equestrian glamping and provision of 4No. mobile cabins for glamping use together with a caravan for use as a reception. Approved 20th December 2019.

F/TH/14/0601 - Change of use of land from agricultural use to keeping of horses and erection of stable block with associated parking. Approved 10th September 2014.

F/TH/14/0214 - Change of agricultural land to land for the keeping of horses and erection of 2 no stable and tack room. Approved 19th May 2014.

F/TH/13/0974 - Change of use of agricultural land to land for the keeping of horses and erection of stable block. Withdrawn 24th February 2014.

Adjoining site to the east.

R/TH/19/1687 - Application for the reserved matters of outline application OL/TH/19/0523 for the approval of access, appearance, landscaping, layout and scale including foul and surface water drainage for the erection of 1No. single dwelling. Approved 21st May 2020.

OL/TH/19/0523 - Outline application for the erection of 1No. single dwelling with all matters reserved. Approved 15th November 2019.

PROPOSED DEVELOPMENT

This application seeks planning consent for the erection of a single storey 3 bedroom dwelling with associated parking and amenity space.

The dwelling would measure approximately 20m by 7m giving a footprint of some 140sqm with a terrace located to the rear measuring some 20m by 3m (60sqm). It would have a pitched roof with a ridge height of 4.5m. The plans show that the roof would be composite slate tiles, a cladding finish to the walls with aluminium doors and windows. Internally the dwelling would comprise a hall with Wc, an open plan kitchen/living area and a bathroom with three bedrooms (one ensuite). Access to the dwelling would be via Down Barton Road and the dwelling would be served by an area for vehicular parking and amenity space.

It is noted that the proposal is identical to that refused under applications F/TH/20/1475 and F/TH/22/0423 with the agent providing additional information to support the current application.

DEVELOPMENT PLAN POLICIES

SP01 - Spatial Strategy - Housing
SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP27 - Green Infrastructure
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
H01 - Housing Development
HE01 - Archaeology
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

REPRESENTATIONS

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

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

- * Site is outside the village envelope;
- * Already seen some 150 new builds on farmland and there is no case for allowing more;
- * Allowing the development will leave the door open for all of Down Barton Road to be developed which would destroy the unique character of the village;
- * The fact that the applicant wishes to self build is no consequence - farmland will still be lost; and

* The development should be refused for the same reasons as the previous one.

CONSULTATIONS

Environment Agency: Due to the scale, nature and setting of this proposal and the supporting information submitted, we have assessed this proposal as low risk. We therefore do not have any specific comments to add.

Southern Water: The Environment Agency should be consulted directly by the applicant regarding the use of a cesspit.

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.

KCC Highways: Non protocol application.

KCC Biodiversity: The same ecological information submitted for this application was submitted for application F/TH/20/1475 and F/TH/22/0423 . The most recent satellite photos are dated March 2021 and provided the site has continued to be mown regularly we advise the comments we provided for F/TH/20/1475 and F/TH/22/0423 are likely still to be valid.

To enable us to be satisfied that the following comments are still valid please provide, prior to determination, current photos of the proposed development site. Once we have reviewed the photos we can advise if the previous comments are still valid or if an updated ecological report is required.

Comments provided for application F/TH/20/1475 and F/TH/22/0423.

Summary

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.

Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.

Designated Sites

The development includes proposals for new dwellings within the zone of influence (7.2km) of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Therefore, Thanet District Council will need to ensure that the proposals fully adhere to the agreed approach within the Strategic Access Management and Monitoring Plan (SAMMP) to mitigate for

additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the Thanet Coast and Sandwich Bay SAMMP there is a need for an appropriate assessment to be carried out as part of this application.

Protected Species

We have reviewed the submitted Preliminary Ecological Appraisal which has outlined that the site contains limited ecological value apart from the habitats on the southern border which are suitable for reptiles. We note that this area is retained within the site proposals and therefore satisfied that there will not be any impacts. We would advise that this area is protected during construction/landscaping and enhanced as part of the proposals (see next heading).

Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged. Whilst we agree that a full breeding bird survey will not be necessary due to the size of the site, a precautionary mitigation methodology should be adhered to prevent any offences being committed. We advise that a planning informative is attached to any granted planning application.

Ecological Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We would also advise that the retained habitats are enhanced to increase their biodiversity value. Recommendations have been provided within Section 6 of the submitted Preliminary Ecological Appraisal, and these should be implemented. We advise that measures to enhance biodiversity are secured as a condition of planning permission if granted. This is in accordance with Paragraph 175 of the NPPF "opportunities to incorporate biodiversity improvements in and around developments should be encouraged".

TDC Planning Policy: Having considered the application, it is our view that the circumstances have not changed significantly, and the proposal is contrary to the provisions of the Local Plan.

There remains an "in principle" objection to the proposal based on the Housing Strategy set out in the Local Plan (Policy SP01 and Policy H09).

The supporting statement (para 5.18) is incorrect that there is no policy to support the provision of self- and custom-build housing. Policy SP14 clearly states that "all proposals for

10 or more units must... Include an element of self-build properties where there is a demonstrable demand from persons included in the Council's self-build register" (my underlining).

Furthermore (in relation to the NPPF reference in para 6.31), the adopted Local Plan already allocated significant levels of new housing in St. Nicholas. In relation to the housing supply point in para 6.33, this proposal does not make a material contribution to housing land supply, so the "tilted balance" should not be applied.

In relation specifically to custom and self-build (para 5.12 of the statement), the table in Appendix 5 referred to shows the entry numbers on the self build register and their preferred locations for their self build plot. The highest entry number is 35. Therefore there were 35 entries on the self build register referred to in this table, not 149.

The applicant refers to discrepancies in the self build register (para 5.15) in relation to a previous FoI, relative to the number of people registered. However, the information has subsequently been updated, and the information on the register is now consistent with the information submitted to DLUHC.

COMMENTS

The application has been called to Committee at the request of Councillor Pugh for Members to debate the need for smaller homes in our villages so that local people can continue to live in rural areas.

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 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 need for housing in the district will, therefore, need to be balanced against other issues such as the impact upon the countryside, sustainability of the site, character and appearance of the proposed development and highway safety.

Policy SP01 sets out the spatial strategy for the district. It states that the primary focus for new housing is the district's urban area and limited development is allocated to Monkton.. The supporting text to the policy explains that the strategy has been determined by the size and geography of the district with the largest settlements following the coast forming the urban area. It also reflects constraints such as international and national wildlife designations and the presence of predominantly grade 1 agricultural land beyond the urban area.

Policy SP24 (Development in the Countryside) of the Local Plan states that development on non-allocated sites in the countryside will be permitted for either: 1) the growth and

expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) 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.

At the current time, the District Council cannot demonstrate a 5 year supply of housing land. 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".

It is also noted that the agent advises that the application is for a self build dwelling and that the applicants are on the Council's self build register. They also state that the Council has attached limited weight to encourage self build and custom build dwellings despite there being clear guidance to do so on within the NPPF and The Self-Build and Custom Housebuilding Act 2015, as amended by the Housing and Planning act of 2016. They also state that the Council does not have a specific policy that promotes custom and self build as part of housing mix policies nor any policies that encourages a percent of self/custom builds as part of larger schemes within its local plan.

Paragraph 60 of the NPPF states that "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay". Paragraph 62 states that "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)".

A specific policy (SP14) is present in the adopted local plan which states a requirement for self build within larger schemes.

It is acknowledged that the applicants are on the Council's self build register. It is agreed that the provision of a self build accords with principles of NPPF paragraph 62, however the lack of supply cited in the applicant's submission is disputed by the Council. The Council's published Annual Monitoring Report demonstrably shows planning permissions have been

granted for developments which fall with the self-build definition. It is considered that some positive weight can be attributed to the argument now being put forward by the applicant that the property would be a self build unit, however this can be afforded only limited weight in support of the proposal due to the unit number proposed in meeting a single family's request for a plot. This benefit, as well as the economic and social benefits for providing a single dwelling when the Council cannot demonstrate a 5 year supply, must be weighed against any identified harm.

Whilst located fairly close to the edge of the village confines, the site has poor linkages to the village, and any occupier of it would, therefore, be likely to 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, the Council's planning committee have previously approved an application for the erection of a dwelling at Huckleberry Farm, to the east of the application site, and on this basis it would not be considered reasonable to refuse the application on the grounds of the lack of pedestrian connectivity and safety in accessing the village.

Given the above, it is considered that the whilst the principle of residential development may be acceptable given the titled balance to be applied, it is considered that 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

Paragraph 130 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 or maintain 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 places that are safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy SP26 relates to Landscape Character Areas and states that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas, as detailed in the Landscape Character Assessment (LCA).

The site lies outside of the built up village confines of St Nicholas-at-Wade, and 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.

Whilst the application is not supported by a formal landscape and visual impact assessment, the application is supported by a planning statement including explanation and photos of the application site and the surrounding area, considering that the proposed dwelling would not be seen as isolated, having a relationship with the dwelling on the adjoining site and the glamping pods to the north of the application site. It is contended that the glamping cabins are the most prominent in views from around the site and not the dwelling to the east or the proposed dwelling which is located closer to the road than the cabins and would be slightly lower than the adjoining dwelling.

The impact on the landscape character area was considered in the previous applications, and the proposal is identical in design to that application and it is not considered that the landscaping has altered greatly since that application.

It is considered that the neighbouring site (where the existing dwelling is situated) differs from the application site in that it is screened by vegetation to most boundaries and served by the established access road also serving the glamping site to the north. The application site is more open in comparison, particularly to its frontage and its western boundary and would require the formalisation and hard surfacing of a rarely used access road from Down Barton Road. The proposed development would also have a more immediate visual impact than the approved development to the north (the tourist accommodation). The area of land to the west of the application site would remain open, along with the land opposite the site, which forms open countryside, and as such long views of the site would be possible from both Down Barton Road, and in longer distant views across the fields.

The site is currently essentially unused as an open grassed area 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. Whilst trees are proposed on the western boundary, these will take time to establish and would be solely provided to screen the development rather than respond to the landscape character area, with views still possible from the west of the site to the proposed dwelling. As such it is not considered that they can be relied upon to screen development on the site.

Whilst it is appreciated that the glamping cabins are visible in long distance views of the site, given their informal arrangement within the larger site, it is not considered that they are visually prominent being reminiscent of agricultural buildings that may well be found in a rural area. It is also noted that these buildings are for tourism purposes and such buildings are not considered to be out of keeping with the countryside and as holiday accommodation they would not attract permanent domestic paraphernalia that would be associated with a domestic dwelling.

As with the previous application, it is considered that the proposed development would intrude upon the views across the countryside from Down Barton Road, which would detract from its open undeveloped character. The construction of the dwelling and landscaping would be at odds with the limited tree planting in the broader characteristic of the St. Nicholas at Wade Undulating Chalk Farmland Landscape Character Area. Even with the existing collection of buildings and hedgerows to the north and east, the open and visibility nature of the site means any development will reflect on the adjacent large scale open fields. Due to its location it would appear as sporadic development, not infill development or as part of a cluster of residential development, that would encroach into the open countryside and would not appear as a logical expansion of the built form of the village.

The proposed dwelling would be single storey with composite roof material and cladding to its walls. Whilst it is noted that the proposed dwelling would be similar in scale and materials to the glamping cabins and the dwelling on the adjacent plot, it is considered that its layout would unduly extend and consolidate residential development on the frontage of Down Barton Road and detract from the inherent largely undeveloped nature of the application site and surrounding area.

It is considered that the openness and undeveloped character of the site and long distance views from the west of the site contribute to the area's distinctive rural character. By its very nature, the appeal proposal would not respect the open landscape character and would affect views within the Landscape Character Area, so would conflict with Local Plan Policies SP24 and SP26. Overall, the proposal is considered to result in harm to the character and appearance of the area.

Living Conditions

Paragraph 119 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.

Local Plan policies QD03 is also relevant to this application. Policy QD03 (Living Conditions) 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 closest neighbouring residential property in Down Barton Road would be the dwelling on the adjoining site to the east. This dwelling is a single storey and new enhanced landscaping is proposed to the common boundary between the two sites via that consent. Given this it is not considered that there would be any adverse impact on the residential amenities of the occupiers of that dwelling from this proposal. There are no other residential

properties close enough to the development site to be affected by the proposed development.

The proposed dwelling would be single storey and have 3 bedrooms. All new residential development is required to meet the Nationally Described Space Standards to ensure a good standard of accommodation for future occupiers. In this instance the proposed dwelling is a three bed 6 person single storey dwelling and would have an internal floor area of some 140 sqm which exceeds the required Nationally Described Space Standard. There would be sufficient room on the site for the proposed dwelling to be served by private amenity space and the rooms would have adequate light and ventilation. As such, it is considered that the proposed dwelling would provide a good standard of accommodation for residential amenity for future occupiers.

Highways

Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations.

The application is for a single dwelling and the proposal has indicated space for off street parking to the front of the site and there is room within the site for the safe storage of bicycles. Given the size of the site and its boundary onto Down Barton Road it is reasonable to assume that Kent Highway Parking Standards could be met, along with adequate visibility splays to achieve a safe access, and as such it is not considered that the proposal would adversely impact upon highway safety.

Concerns are 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 contains 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, is generally poor and occupiers of the proposed dwelling would in practice be very reliant on a private car. Whilst the proposal would not be served by safe footpath links, Members previously approved a dwelling on the adjacent site to the east, which, although marginally closer to the village, would also have no footpath link, and as such it would seem unreasonable to refuse the application on the lack of footpath links given this decision.

Biodiversity

The NPPF states at paragraph 174 states that the “planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ...” Policy SP27 states that all development proposals should, where possible, safeguard Thanet's Green Infrastructure

network and enhance it by integrating new multifunctional Green Infrastructure by integrating Green Infrastructure provision in the design of developments.

An Ecological Report was submitted to support this application. This report was the same one submitted to support the previous applications F/TH/20/1475 and 22/0423. This states that there are areas of grassland and scrub/scattered trees on the site that have the potential to support limited numbers of reptiles, such as common lizards and slow worms. It is recommended by the report that this area is left to maintain an area for reptiles and the remaining ground maintained (mown) as it currently is to dissuade any animals from venturing into the area of the proposed development. In addition, areas of hedgerow are identified as potential nesting bird habitat and, therefore, any hedgerow removal (if required) should be done outside the nesting bird season (normally March-August). If this is not possible then a nesting bird check will be required under the supervision of a suitable experienced ornithologist to safeguard against damage or destruction of any active nests present.

Kent County Council's Ecology Team reviewed the ecological report and generally agree with the recommendation that the site contains limited ecological value (on the basis that the site appears to regularly mown from satellite photos) apart from the habitats on the southern border which are suitable for reptiles. They note that this area would be retained within the site proposals and were, therefore, satisfied that there will not be any impacts on this area from the proposed development. They recommend that ecological enhancements are secured by condition and that any construction management plan should demonstrate how the habitat along the southern boundary will be protected during construction and landscaping.

It is, therefore, considered the impact of the proposed development on ecology could be controlled by condition.

Drainage

Paragraph 159 of the NPPF refers that inappropriate development in areas at risk of flooding should be avoided. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application site is not within an area prone to flooding and is designated as being of low risk; accordingly the development would not pose a flood risk issue to the wider environment.

Policy CC02 states that all new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible.

It is noted that the application at the time of submission that the application form advised that foul water drainage would be via a cesspit. The Environment Agency's guidance on non mains drainage from non major development states that where "a connection to a public sewer is not reasonable, the PPG and Building Regulations Approved Document H set out the following hierarchy of non-mains alternative solutions.

- Package sewage treatment plants (which may be offered to the sewerage undertaker for adoption),

- Septic tanks; and
- Cesspools (if no other solution is possible).”

Given the above, and that no justification was provided as to why a cesspit is required, concerns were raised by the Council as to the appropriateness of such a means of dealing with foul drainage. An amended application form was later received which stated that the means of foul water drainage is unknown at the present time.

Given the size of the site and scale and nature of the proposed development it is considered that this matter could be dealt with via safeguarding conditions, stating that no development can commence until full drainage details are submitted and assessed by the Council. It is, therefore, not considered that this matter should form a reason for refusal.

Archaeology

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The NPPF goes on to state that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

Policy SP36 of the Local Plan states that the Council will support, value and have regard to the historic or archaeological significance of Heritage Assets. Policy HE01 relates to archaeology and states that the council will promote the identification, recording, protection and enhancement of archaeological sites, monuments and historic landscape features, and will seek to encourage and develop their educational, recreational and tourist potential through management and interpretation.

Thanet is generally rich in architecture and 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 noted that KCC Archaeology advised that on the adjacent site that an archaeological assessment and evaluation works could be conditioned. It is considered likely that it could also be conditioned for this site if permission were to be granted, and, as such, it is not considered that this matter should form a reason for refusal.

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 mitigation is secured under policy SP29 of the Local Plan.

No undertaking has been submitted to secure the payment of this contribution, although it is understood that the applicants are willing to provide an undertaking. 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 mitigation against the identified harm to the designated sites forms a technical reason for refusal for this application.

Conclusion

The site is located within the countryside, outside of the village confines, and within a Landscape Character Area, which is characterised by its openness and rural appearance. The erection of a dwelling within this location, which would be visible in long views along Down Barton Road and in wider views across the open countryside opposite, is considered to cause severe harm to the intrinsic character and beauty of the countryside, and the valued Landscape Character Area, contrary to Policies SP24, SP26 and QD02 of the Thanet Local Plan, and paragraph 170 of the NPPF. This is given significant weight in the determination of the application.

The development would result in the contribution of a single dwelling towards the identified shortfall in the Council's Housing land supply. In addition the application posits that the dwelling should be supported as a self-build property, with an identified need in the district. In addition the development of a single dwelling would have small economic benefits from construction. These economic and social factors are given modest positive weight in the determination against paragraph 11d of the NPPF.

Overall, the environmental harm caused through the development is considered to significantly outweigh the modest economic and social benefits provided by a single dwelling. In addition the application has also failed to provide an acceptable form of mitigation to relieve the pressure on the SPA, contrary to policy SP29 of the Thanet Local Plan, paragraph 182 of the NPPF and the Habitats Directive. Therefore the application is recommended for refusal.

Case Officer

Annabel Hemmings

TITLE:

F/TH/23/0026

Project

Land North Side Of Down Barton Road St Nicholas At Wade Kent

