

Application No: Y17/1201/SH

Location of Site: Land Adjoining Orchard Cottage The Street Postling Kent

Development: Construction of a single dwellinghouse with associated access and landscaping

Applicant: Messrs Richard and Kenneth Kingston
The Pines
Cannongate Avenue
Hythe
Kent

Agent: Jenny Owen
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Bargrove Farm
Newington
Folkestone
CT18 8BH

Date Valid: 19.10.17

Expiry Date: 14.12.17

Date of Committee: 19.11.17

Officer Contact: Mr Julian Ling

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single detached dwelling house with associated access and driveway. The proposed development site has an area of 0.19 hectares.
- 1.2 The dwelling is proposed to be sited towards the rear of the site, set back from the road frontage by 24 metres and would have an approximate footprint area of 235 square metres. Access is proposed off the Street public highway, 15 metres from the southern boundary with an access driveway leading up to the dwelling with a parking and turning area immediately in front of the house. The remainder of the site would be landscaped and form the residential curtilage.
- 1.3 The dwelling is proposed as a family size house over two floors with a large room in the roof space. The building would have a ridge height of nine metres and an eaves level of 5.5 metres and have two single storey side and rear additions at 4 metres in height. Internally on the ground floor, it would comprise of a log and wood store, living room, study, breakfast room, dining room, kitchen, hall, wc, utility room and cloak room. At first floor level four bedrooms all with en-suit bathrooms are proposed.

- 1.4 The dwelling is proposed to be built in a traditional manner with a rural vernacular incorporating fully hipped roofs and an external chimney stack. Within the front roof slope a box dormer is also proposed. Proposed external materials would include brick work and tile hung elevations, roof tiles and timber windows and doors. The application has also been accompanied by supporting documents which include a planning statement, ecology report and an arboricultural report.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The site is located within the rural hamlet of Postling which does not have an identified settlement boundary on the Shepway District Local Plans Review Proposals Map and as such lies within the wider countryside and North Downs Area of Outstanding Natural Beauty and Special landscape Area.
- 2.2 The site is a vacant piece of land which was formerly part of the residential curtilage of Orchard Cottage positioned upon the west side of the Street between Orchard Cottage and The Manor House. The site is flat and currently contains natural vegetation and many trees which are the subject of Tree Preservation Order No. 12 of 1988. To the frontage, adjacent to the road there is also a long evergreen yew hedge which is also protected by the Tree Preservation Order No. 12 of 1988. Owing to these trees and hedgerow, the site has a leafy spacious character.
- 2.3 The site falls outside of, but immediately adjacent to the Postling Conservation Area which includes the majority of the built development upon the east side of the road and that of Postling Court and St Marys Church upon the west side of the road. Immediately to the north, The Manor House is also a Grade II listed building.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The most recent and relevant are listed below,

Y16/0635/SH	-	Construction of a detached dwellinghouse and garage. Withdrawn.
Y15/1249/SH	-	Construction of a single dwelling. Refused.
Y13/0985/SH	-	Construction of a single dwelling (resubmission of Y13/0219/SH). Refused.
Y12/0219/SH	-	Erection of a single dwellinghouse. Refused.
SH/84/929	-	Outline application for erection of 2 detached dwellings and garages. Refused.
SH/85/200	-	Outline application for erection of a house and garage. Refused.

4.0 CONSULTATION RESPONSES

4.1 Postling Parish Council –
Support

4.2 KCC Highways And Transportation –
No objection subject to conditions.

Thank you for the consultation on the above planning application. I have no objections to the application subject to the following conditions being attached to any planning permission granted :

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- 3) Provision of measures to prevent the discharge of surface water from the private drive onto the highway
- 4) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction
- 5) Provision and permanent retention of the vehicle parking spaces and turning space shown on the submitted plans prior to the occupation of the dwelling hereby permitted.
- 6) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the occupation of the dwelling hereby permitted.
- 7) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- 8) Provision and permanent retention of 4 secure, covered cycle parking spaces prior to the occupation of the dwelling hereby permitted in accordance with details to be submitted to and approved by the Local Planning Authority.

Notes

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 08458 247800) in order to obtain the necessary Application Pack.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-10-ok-after/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

4.3 Southern Water

No objection

Southern Water requires a formal application for a connection to the public 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, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

4.4 Landscape And Urban Design Officer

No objection

The proposals are for a four bedroom detached house and garage located in the centre of the village. The application has a history as it has previously been refused because of sustainability issues and the location of the site in

the open countryside and the AONB. The design of the house in the current application is identical to that which was submitted in 2016 (Y16/0635/SH).

As such the comments made in 2016 are still relevant.

The elevations indicate a pleasant red brick and tile hung building that would not be out of keeping in the context of the village. The size of the plot is suitable for the house, which is a logical location for infill development.

In addition the soft landscaping and boundary treatment (not previously mentioned) are important and need to be considered within the development proposals. There does not appear to be anything relating to landscaping for the proposed house within the information submitted with this current application.

4.5 Arboricultural Manager

No objection

I can confirm that I have no objections to the erection of a single dwelling house.

I am in support of the consultant arboriculturist's recommendations in terms of the need to remove and replace the roadside Yew hedge along with the raising of the canopies of the Cherry and off-site Ash. All recommendations for the protection of all retained trees should be conditioned.

4.6 Environment Agency

No objection

We have assessed this application as having a low environmental risk.

Drainage

Wherever infiltration drainage (such as soakaways) is proposed at a site we would make the following comments:

- If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.
- Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Ultimately, any drainage design must be protective of the groundwater and in line with our ['Groundwater Protection: policy and practice \(GP31\)'](#) for the use of infiltration techniques to be approved

Non planning consents

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.dov.uk/environmental-permit-check-if-you-need-one>

If you feel we should assess this planning application in more detail due to local issues please contact me or email kslplanning@Penvironment-aoencv.00v.uk

4.7 KCC Ecology No objection

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.

Protected Species

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. We advise that the following informative is attached to any granted planning application in regards to the protection of nesting birds.

Breeding Birds Informative - suggested wording:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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 advise that measures to enhance

biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Ecological Enhancements - Suggested condition wording:

"Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained."

Reason: To enhance biodiversity

4.8 Environmental Health – No comments received

4.9 KCC Archaeology – No comments received

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 14.11.2017

5.2 Site Notice. Expiry date 21.11.2017

5.3 Press Notice. Expiry date 30.11.2017

6.0 REPRESENTATIONS

6.1 Two letters/emails received objecting on the following summarised grounds:

- There have been lots of previous refusals for planning permission which the grounds of refusal are still valid. Nothing has changed in the intervening years. The only difference now is the removal of the garage from the scheme.
- This land is situated between two of Postlings historic buildings which give Postling its unique historic character. Any new building would have a dramatic and detrimental effect on the character and historic value of Postling Village.
- The front wall is an historic stone wall, originally the western boundary of Postling Court where the development will result in a partial removal of this wall.
- The land is one of only two remaining green spaces fronting onto the Street and its loss would greatly affect the rural nature of Postling.
- The development would dramatically reduce the historic nature of the north side of the Street.
- A letter was sent to local residents advising on the potential CIL payment which would be passed to the parish Council to spend in the parish. This letter was sent out purely to secure as many letters of support as possible from Postling residents.

- The foul water drain would cut through the no dig area of the protected Ash Tree (T36) and should not be permitted.
- The conditions applied within the approval to prune the yew hedge were entirely ignored.
- Any replacement hedge should be replaced in the same position as that removed to maintain the street view.
- The development is unacceptable in planning policy terms where it does not accord with the development plan in force in the area and there are no amendments that can be made to the scheme to overcome this.
- The replacement trees for condition 4 of Y16/0265/SH have not been planted.
- The applicant has been attempting to obtain planning consent on this piece of land since 1983 which has been refused on each and every occasion and so should it be again.
- Compared to the previous applications, the deletion of the garage is an attempt to ease the way of this application.
- The site is located within the AONB.
- The application is unsustainable being contrary to the principles of sustainable development contained within the NPPF.
- Loss of open space that would be harmful to the AONB.
- Loss of open space that would be harmful to the setting of the conservation area.
- The site is not within a sustainable community where there are no public facilities.
- Adverse effect on the residential amenity of residents.
- Detrimental visual impact upon the character of the area and setting of the Conservation Area and listed building.
- Loss of views from the neighbouring property.
- Adverse impact to highway safety.
- Detrimental impact upon the root protection area upon trees within the conservation area.

6.2 Six letters/e-mails of support on the following summarised grounds.

- The site has been well maintained and it would be an improvement to the empty space in the middle of Postling.
- The new CIL laws will mean that the community of Postling would benefit from the payment for this dwellinghouse.
- This is a perfectly reasonable and warranted infilling project.
- The plot is of adequate dimensions for the type of dwelling proposed and its size and specification is entirely in keeping with the character of the village.
- We have endured having a derelict building site in the village for too long and can see no reason why this application is continually tuned down.
- The site is an eyesore.
- Another family house in the village will help our very small community to thrive.
- Villages need to increase in size in a restricted sensitive manner in order to remain viable.

- Although within the AONB several development precedents exist within the area.
- It would be unobtrusive as far as the Street is concerned.
- The proposed design of the house is suitable for the village and would blend well with the other properties.
- This land has been properly maintained. If approval were not given, the land would then revert to being a jungle as it has been over the preceding years.
- The site is perfect for infill development being in the centre of the village.
- If the owner ever stopped maintaining it the site would deteriorate and ruin the streetscene.
- The development will help guarantee the continued up keep of the site.
- Being privately owned it is of no use as open space.
- There are other designated areas of public open space that meet the village needs.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE5, BE16, BE17, CO1, CO2, CO4, CO11, TR5, TR11, TR12, U1, U4, HO1.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

SS1, SS2, SS3, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

The National Planning Policy Framework: 2012 – Paragraphs 7, 11, 12, 13, 14, 17, 29, 30, 35, 55, 56, 58, 61, 64, 109, 115, 118, 126, 128, 131, 132, 133, 134,

The Kent Downs AONB Landscape Design Handbook.
The SDC Postling Conservation Area Appraisal.

8.0 APPRAISAL

Background

8.1 In the consideration of this application, the planning history, which is relevant to the determination of this application is acknowledged where the site has been the subject of many previous similar applications.

8.2 As far back as the mid 1980's, planning permission was applied for residential development under references SH/84/0929 and SH/85/0200. In

both instances, planning permission was refused on countryside conservation grounds and in the case of application SH/85/0200, a second ground was also included referring to the impact upon the adjacent conservation area. Application SH/85/0200 was later dismissed at appeal when the Inspector agreed with both grounds. In this instance, whilst it is acknowledged that these applications were some time ago, very little has changed physically in the local environment since then and planning policy principles remain the same where the same material considerations apply currently.

- 8.3 Very recently, three further applications for a detached dwelling were applied for and subsequently refused or withdrawn. Application Y12/0219/SH was refused by Members of the DC Committee on the 11.12.2012 on grounds of countryside conservation and the impact upon the streetscene and adjacent conservation area and the resubmission application Y13/0985/SH was also refused on the same grounds where there was no change to the environment or the details of the application. Two years later, application Y15/1023/SH was refused for the same reasons under delegated powers and Y16/0635/SH submitted last year was withdrawn. As such, this is the seventh attempt to gain residential development upon the site.

Relevant Material Planning Considerations

- 8.4 The principle issues to be considered within the determination of this application are the same as those considered previously which are the sustainability of new residential development within the countryside and outside of any settlement boundary, the visual impact of the dwelling upon the environment (including the setting of the adjacent conservation area, listed buildings and the wider landscape) trees and landscaping, residential amenities, highways, ecology and local finance issues.

Development within the countryside

- 8.5 Of main concern is the principle of allowing new residential development within the countryside, outside of the settlement boundary and within the countryside. In this regard, Postling, being a small rural hamlet has no settlement boundary and is in a rural location where allowing further residential development is not considered to be sustainable. It is a fundamental principle of national and local planning policy that new dwellings should not be permitted in the countryside outside the confines of the major/principal urban areas, rural service centres or smaller rural settlements unless they are replacements for existing dwellings or demonstrated to be necessary for farm, forestry or other workers where a rural location is essential. Saved Local Review policy CO1 as well as policies SS1 and SS3 of the Councils Core Strategy Local Plan support this, whereby the principle aim of these policies is to direct such residential development towards existing sustainable settlements to protect the open countryside and the coastline.
- 8.6 In this respect Core Strategy policy SS1 states, "The future spatial priority for new development in the North Downs area is on accommodating

development outside of the AONB and without material impact on its setting; consolidating Hawkinge's growth; and sensitively meeting the needs of communities within the AONB at better-served settlements". Core Strategy policy SS3 also states, "Development within Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline". Furthermore, the NPPF reinforces the unacceptable development of housing in rural locations and gives significant weight to the protection of the countryside. In such instances, the NPPF requires isolated new housing in the countryside to require special justification for planning permission to be granted (paragraph 55). In this case, no such special justification has been provided.

- 8.7 Furthermore, in this rural location there is no need for additional housing. The site is not an allocated site within the current local plan nor is it identified in the emerging places and policies local plan. On the basis of the Council's current housing supply, the Council also has a robust up-to-date five year housing supply which justifies that there is no need to develop in such rural areas. In this regard, The Council's five year housing supply is currently at 8.21 years of supply (164% of requirement) using the Liverpool method of calculation as of January 2017. The soundness of the five year housing supply has also been successfully tested at appeal recently.
- 8.8 In terms of sustainability, the location within Postling outside of any settlement boundary for such a dwelling would also fail the principles of sustainability and proposes a family size dwelling in a highly unsustainable location which lacks facilities and where occupiers would be heavy reliant upon the private car for transport. In this regard, in accordance with policies SS1 and SS3 of the Council's Core Strategy, Postling is not recognised within the Settlement Hierarchy as a rural service centre or small rural village and therefore not appropriate nor sustainable to accommodate further residential development. As such policies SS1 and SS3 seek to direct such residential development towards existing urban areas and sustainable settlements to protect the open countryside and the coastline. Future occupiers would be isolated from main public services such as schools, hospitals, community facilities and shops. In such a location occupiers would be dependent on the car as Postling lacks any village or town services and does not benefit from public transport services or even safe pedestrian footpaths and street lighting. Therefore, given the site's countryside location within the AONB outside of any settlement boundary, the proposal for residential development (particularly a family size dwelling) in this location is considered unsustainable and unacceptable and contrary to Local Plan and national planning policy.

Visual Impact

- 8.9 Postling is located at the foot of the North Downs within the Kent Downs AONB and Special Landscape Area where the character of the rural landscape is of exceptional quality. The Kent Downs AONB is a nationally important protected landscape, whose special characteristics include its dramatic landform and views, mixed farmland tranquillity and remoteness. In such locations, the NPPF requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which

have the highest status of protection in relation to landscape and scenic beauty. Furthermore, the site also lies immediately adjacent to the conservation area and a Grade II listed building, and special regard should be given to preserving or enhancing the setting of these heritage assets.

- 8.10 In this regard when evaluating the wider landscape impact first, it is recognised that the development site is flat and well screened by natural landscaping and viewed against the backdrop of surrounding buildings and structures. In this sense the site is not within the open countryside as the proposed dwelling would be sited within the main concentration of buildings which are along the Street. In this location there is a building complex and a two storey building to the north being Postling Court and the Manor House respectively. To the east and south are also two storey dwellings and to the west is Postling Court Farm. Furthermore, the site is also naturally screened on its side and rear boundaries as well as many mature trees within the site. In scale as a two storey dwelling, the proposed dwelling would also be comparable to the surrounding built form and at nine metres tall would not be unduly large in this regard. The proposed design and materials are also of a local vernacular type which would be suitable within the countryside and acceptable. Therefore given these factors, the dwelling would not be highly prominent in the wider landscape and be well screened from long distance views where the impact upon the wider landscape would be minimal.
- 8.11 Nevertheless, whilst there may be minimal wider landscape impact, the development also has to be considered in relation to its immediate surroundings and the visual impact in the streetscene and setting of the adjacent conservation area. In this regard, when evaluating "what is the character and appearance", The Conservation Area Appraisal identifies Postling to be a picturesque and well maintained settlement that has its origins based in commercial agriculture. As a built settlement, Postling has evolved and grown up around the Parish Church and Manor House, where the majority of the built form is ribbon development along The Street with the main part of the hamlet positioned upon the eastern side of "The Street". The area is considered to have a generally undeveloped, leafy, rural character where at the foot of the North Downs, Postling enjoys a rural sense of place with hedges, trees and verges within the conservation area contributing greatly to its character. To date, Postling has so far, avoided the creep of urbanisation prevalent in many of its neighbouring villages and continues to be one of the District's most attractive rural hamlets.
- 8.12 In terms of overall scale, design and materials, the dwelling would be acceptable at two storey and traditional in appearance with traditional features such as an external chimney stack and tile hanging. Good appropriate local vernacular materials are also proposed. As such it is considered that the dwelling would be in keeping with the other buildings in the vicinity and in this respect, the proposal is considered acceptable in design and scale grounds.
- 8.13 However it is the development of the site as a whole and its domestication that is of concern. The Conservation Area Appraisal identifies that the green spaces (such as this) and the undeveloped nature of the area that lies outside the conservation area should be considered as equally important to the spacious undeveloped character as those within it and should be

preserved. Therefore, although in terms of size, the site is physically capable of accommodating the proposed dwelling without appearing overintensive and cramped the proposal would result in the loss of an open green space identified by the Conservation Area Appraisal as being as important to the conservation area as if it was inside it. It is considered that the proposed development would also result in the erosion of this special character, by opening up the site, introducing built development and domesticating its appearance. In this regard, to achieve the access into the site, the visually dominant hedge would be removed and a gap in the dwarf wall would be created. Whilst it is proposed to replace the yew hedge, this would take a period of time to take hold and grow. In the event that the hedge is replaced successfully over time, it will still leave a large gap in the hedge and wall and loss of the undeveloped nature of the site and the continuity of the frontage along the road.

- 8.14 As well as the opening up of the site and physical presence of the dwelling, there would also be other domestic features such as the hard surfaced driveway and parking area, outbuildings and parked cars which would be visible from The Street due to the opening up of the frontage to provide the access and visibility splays. Once the dwelling is occupied there would be domestic paraphernalia such as children's play equipment, washing lines, sheds and greenhouses that would further detract from the current undeveloped character of the site. It can also be seen that within the Postling hamlet, the majority of buildings along The Street are on the east side where there is more or less a continuous line of development. However upon the west side of The Street, where the application site is located the built form is more sporadic and spacious, where the open space is a predominant feature. In this regard, it is considered that introducing an additional building on the west side would have a more significant visual impact on the streetscene and setting of the conservation area and erode this essential character and appearance.
- 8.15 A key part of the main vista when looking up and down The Street is the continuity of the front boundary and the low wall with the hedge above. The CA Appraisal identifies the hedges, trees and grass verges as contributing greatly to the character of the area. Most of the trees have since been removed and it is also proposed to remove the hedge and replant it (for sound arboricultural grounds as stated below in the trees and landscaping section) however the wall remains which creates a sense of enclosure and continuity. The development proposes a vehicular access off The Street which will result in a gap formed in the wall to the detriment of the character of the area (as well as the loss of the hedge) and have a negative impact on the streetscene and setting of the conservation area.
- 8.16 Therefore the main concern with this application relates to the opening up of the site, its domestication in character and appearance and the loss of open green space. Although there is nothing intrinsically at odds with the design of the building, it cannot be said that this development would preserve the character of the conservation area to which it is adjacent, as it would negatively impact on some elements of it. It is therefore considered that in the immediate surroundings of the streetscene and the conservation area, the development of this site would be extremely noticeable and result in the loss of important undeveloped space and tranquillity and loss of continuity in

the existing boundary, as well as important landscaping and would thereby be severely harmful to the visual amenity of this part of the hamlet. It is therefore considered that the development of this site and its opening up would be detrimental to the setting of the nearby conservation area and general character of the streetscene contrary to saved policies SD1, BE1 and BE4.

- 8.17 The site is also adjacent to listed buildings, being the Manor House and Postling Court. These buildings have a distinct connection with each other and consequently have a similar historic setting, as the buildings at Postling Court would historically have been the outbuildings and barn serving the Manor House. Postling Court has been converted to residential use and the Manor House is also in residential use. It is considered that, owing to the predominant residential character, the separation distance from these buildings, together with the acceptable scale, design, siting and choice of materials, the proposed dwelling would sit comfortably adjacent to these listed buildings and have no adverse impact upon their settings.

Trees and landscaping

- 8.18 This site was characterised by the many trees which significantly contributed to the sylvan character of the site and area. Therefore owing to their visual contribution to the area, and the fact the site has been the subject of development proposals in the past, a Tree Preservation Order was served on many of the trees and the Yew hedge in 1988.
- 8.19 The application has been accompanied by a BS 5837 tree survey. Based on the information submitted it is clear that the site was heavily constrained by trees and important landscaping. However many of the trees have since been removed. These trees were identified as T2, T3, T4, T12, T15 and T34, which was approved under a separate tree application and subsequently removed. In response to their removal and in the interests of the setting of the conservation area, it was agreed that replacement trees are planted. As such whilst these trees once contributed to the setting of the locality, the removal of these trees have been considered on their own merits and agreed for sound arboricultural reasons and therefore considered acceptable. As part of this application it is also proposed to carry out pruning works to tree T11 and off site tree T36 which is generally considered acceptable and good arboricultural practice.
- 8.20 Of equal concern is the removal of the Yew Hedge (G1) and its replacement. Originally under previous applications this hedge was in reasonable health where Officers considered its retention to be important which contributed to the streetscene amenity. However it has since undergone pruning where it is regretful that it has not regenerated (as originally advised it would) and is now proposed to be removed. In arboricultural terms this is now considered to be acceptable to remove and replace given its current poor condition and negative impact it has on the streetscene. Other trees that are likely to have their root protection area encroached can be protected by appropriate arboricultural mitigation measures which could be a condition of any planning permission, including the impact upon the Lawson Cypress (T35) from the drain run. The Council's

Arboricultural Manager has considered the proposed development in relation to the impact upon the remaining trees and removal of the Yew hedge and raised no objection and therefore in arboricultural terms the development is considered acceptable.

- 8.21 However whilst there may be sound arboricultural grounds for the removal of and replacement of trees and the hedge it is considered that in visual amenity terms the development is still unacceptable where it will result in further loss of landscaping and open space. The hedge (if successfully planted) will take several years to establish and the use of the land as residential is likely to create additional pressure in future to remove the replacement hedge and remaining and replacement trees to the detriment of the character of the streetscene and locality.

Residential Amenities

- 8.22 Owing to the separation distances that would be retained between adjacent houses to the north and south, it is considered that the development would not cause overshadowing or be overbearing in an adverse manner. In terms of overlooking and loss of privacy it is also considered that the space and separation distances retained around the site, together with the positioning of the windows would adequately mitigate this. In addition the use of good boundary fencing (which both can be controlled by condition) would also reduce this further and therefore there would be no undue loss of privacy.
- 8.23 It is noted that first floor bedroom windows to the side north elevation are proposed that would look directly towards the rear windows of The Annesty which are currently fairly private. However, if permission were to be granted the two side windows can be obscurely glazed and fix shut which can be conditioned. Outlook and escape can be obtained from the front and rear bedroom windows. The new access and driveway is also considered far enough away from neighbour properties to not cause any disturbance issues from engine noise, fumes and headlights. As such it is considered that the residential amenities of neighbouring occupiers would be safeguarded.

Highways

- 8.24 As previously stated, this area is in transport terms, a very unsustainable location to live, where occupiers would be reliant upon the motor car to access local services further afield. There are no schools, shops, medical services or recreational facilities nearby and in reasonable walking distance. There are also no public footpaths or street lighting in this area, making it unsafe and undesirable to walk anywhere further afield and thus contrary to sustainability policy SD1 and the NPPF.
- 8.25 In terms of access and parking arrangements, the development proposes to create a new vehicular access off The Street, through the existing hedge and wall and parking and turning outside the front of the property via a driveway. This arrangement is considered to be generally acceptable which Kent Highways and Transportation Services raise no objection to subject to some basic conditions set out above. As such in highways safety terms the

development is considered to be acceptable in accordance with saved policies TR11 and TR12.

Ecology

- 8.26 The site has been surveyed by a professional ecologist for the presence of protected species covering both flora and fauna and confirms that the site does not accommodate any protected species. KCC ecologists have reviewed the ecological information submitted in support of this application and advised that sufficient information has been provided and recommended that if permission is granted ecological enhancement measures are installed. As such the development is considered acceptable in accordance with saved policy CO11 and the NPPF.

Other Local Developments

- 8.27 The applicant/agent has made reference to other residential developments within Postling that have benefited from planning permission within recent years with the view that this sets a precedent for other forthcoming residential developments in the area. In response to this, each application should be determined on its own merits. Nevertheless, Karelia to the south east, was in fact a replacement dwelling and not a new dwelling, approved under planning permission Y08/0991/SH which was considered acceptable under Local Plan Review policy CO20. Further to the north east along the road at Old Page Farm, planning permission was granted in 2002, reference Y02/0716/SH for the change of use and conversion of agricultural buildings to residential. However this was the conversion of existing buildings and not a new build where the development was considered acceptable by making efficient use of an existing building in accordance with Local Plan Review policy CO19. Lastly it is accepted that Fox Meadow to the south east is a new dwelling which was granted permission by the DC Committee back in 2007, however this was ten years ago, and considered by a different committee of Members and was prior to the NPPF and the Council's Core Strategy. It is not considered that this has any material weight to the applicant's case.

Local Finance Considerations

- 8.28 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for

infrastructure improvements in the area. The CIL levy in the application area is charged at £125 per square metre for new residential floor space.

Human Rights

8.29 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.30 This application is reported to Committee at the request of Cllr Hollingsbee

9.0 SUMMARY

9.1 Due to the unsustainable location of the site within the countryside, outside of any settlement boundary and within the AONB and Special Landscape Area, the proposal for residential development is contrary to both national and local planning policies and there is no acceptable planning justification or overriding reason, for granting permission. A residential development in this location would be highly unsustainable where future occupiers would be isolated from main public services and completely reliant upon the motorcar contrary to the foundations of sustainability.

9.2 Furthermore, the development would also adversely impact upon the setting of the nearby conservation area and fail to conserve or enhance its character and appearance and that of the streetscene with the opening up of the site and the loss of undeveloped green space and domestication of the site. As such, the development does not propose a sustainable form of development and would also be visually harmful to the amenity of the streetscene and setting of conservation area and is thus recommended for refusal.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reason(s):

1. The site is located within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area and the proposal would result in an unacceptable and unsustainable residential development in the countryside outside the confines of an existing town, village or rural settlement. As such the proposal would be contrary to Saved Local Plan Review policies SD1, CO1, CO4 and HO1 and Core Strategy Local Plan policies; DSD, SS1, SS2, SS3, CSD3 and the sustainable development principles of the National Planning Policy Framework, which seek to direct new development to the built confines of identified existing rural settlements, whilst conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and Special Landscape Areas which have the highest status of protection.
2. The site is located within a rural hamlet, immediately adjacent to the historic conservation area of Postling which is characterised by the existing undeveloped green spaces. The proposed development would, by virtue of its built form and domestication in the development of the site, together with the opening up of the site, loss of a section of the wall and landscaping and loss of the continuity of this undeveloped section of the streetscene, result in an adverse visual impact upon the amenity of the area which would fail to preserve or enhance the setting of the nearby conservation area and be detrimental to the character and appearance of the streetscene. As such the development would be contrary to Saved Local Plan Review policies SD1, BE1, BE4 and BE16 and policy SS3 of the Shepway Core Strategy which require developments to be of a high standard of layout and seek to retain the historic patterns, plot boundaries and open spaces which are essential to the character or appearance of conservation areas and refuse proposals for infill development which would adversely affect the character of a conservation area and result in a loss of important landscaping.

Y17/1201/SH
Land adjoining Orchard Cottage
The Street
Postling

