

**Application No:** Y18/1077/FH

**Location of Site:** Chapel Cottage, Lymbridge Green, Stowting Common

**Development:** Erection of two holiday lets together with access and parking.

**Applicant:** Mrs Philippa Hawley

**Date Valid:** 23.08.18

**Expiry Date:** 18.10.18

**Date of Committee:** 26.02.19

**Officer Contact:** Louise Daniels

## **SUMMARY**

This application is for the erection of two detached buildings following demolition of the existing workshop and store to provide two holiday let units. The site is outside any defined settlement boundary within the countryside, within the hamlet of Stowting Common. Stowting Common is not included within the settlement hierarchy as set out in the Core Strategy. The need and demand for this type of accommodation in this unsustainable location has not been demonstrated and no viability information has been submitted with the application. As such the development would result in a tourism facility that is in an unsustainable location and which has not been demonstrated to be financially viable or have any significant economic benefits locally. The proposed internal floor area would not meet the space standards as set out in emerging policy and so would provide a poor level of accommodation for future guests. The design, materials and scale of the proposed buildings are considered to be acceptable on the setting of the AONB and locally designated Special Landscape Area (SLA), and there would be no detrimental impact upon neighbouring amenity.

<b>RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.</b>
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## **1.0 THE PROPOSAL**

- 1.1 The two existing outbuildings would be removed and two buildings erected, to provide two holiday let units. The buildings would be joined together by a canopy with gravel terrace and bike storage below. Both buildings would provide self-contained accommodation with each having a double bedroom, bathrooms, and open plan living, kitchen and dining area. A mezzanine area for children to sleep in is also proposed in each building.
- 1.2 The buildings would be modern in design with pitched roofs, with wooden cladding to the roof and elevations with large aluminium framed glass doors and windows to the front elevation. Sky lights are also proposed with low level windows within the bedrooms.

- 1.3 A detached store is also proposed adjacent to the holiday lets, which would be lower in height but finished with the same materials. The store would be used for storage in association with the holiday lets. The plans state that part of the existing store would be retained and reconfigured to provide this building.
- 1.4 Vehicular parking would be provided to the front of the buildings with a gravel surface and a gravel driveway created to follow the side boundary of the site, formalising what is currently a grassed track.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- In the Kent Downs Area of Outstanding Natural Beauty (AONB)
- Special Landscape Area (SLA)
- Outside the settlement boundary
- Groundwater source protection zone

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The application site is the rear garden of the residential property known as Chapel Cottage which is situated at Lymbridge Green, Stowting Common within the parish of Stowting. The application site is occupied by two dilapidated outbuildings which are approximately 45m to the north-east of Chapel Cottage. The buildings are adjacent to each other in a linear form with the rear elevation following the north east boundary of the site.
- 3.2 The smallest building is the breeze block store which has a height of 2.4m and is labelled as A on the submitted plans. The second building is comprised of three parts, a workshop and two smaller store additions, labelled as B on the submitted plans. The workshop is slightly larger and is of breeze block construction with a timber roof at a height of 3.4m with two stores attached which are timber framed and have a lower height of 2.7m.
- 3.3 There is an existing vehicular access into the site, located just to the north-west of Chapel Cottage. This provides off-road parking to the front of the detached garage for the residential dwelling. There is a five bar gate to the side of the garage with a grass track which passes the detached garage and follows the side boundary of the site to the rear where the two outbuildings are located.

## **4.0 RELEVANT PLANNING HISTORY**

4.1 None.

## **5.0 CONSULTATION RESPONSES**

5.1 Consultation responses are available in full on the planning file on the Council's website <https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>. Responses are summarised below.

5.2 Stowting Parish Council  
No comments received

5.3 Southern Water  
Applicant is advised to consult the Environment Agency (EA) regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness. The site is within a Source Protection Zone as defined under the EA's Groundwater Protection Policy and as such reliance is put with the EA to ensure the protection of the water supply source.

5.4 Environment Agency  
No objection subject to conditions securing a remediation strategy if contamination is found, and requiring the submission of a foul and/or surface water drainage strategy to the Local Planning Authority.

5.5 Kent Fire & Rescue Service  
No objection, the means of access is satisfactory.

5.6 KCC Ecology  
No objection following the submission of a bat scoping survey.

5.7 Arboricultural Manager  
No objection, no significant arboricultural constraints present

## **6.0 PUBLICITY**

6.1 Neighbours notified by letter. Expiry date 10.10.18

## **7.0 REPRESENTATIONS**

7.1 None received.

## **8.0 RELEVANT POLICY GUIDANCE**

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

8.2 The following saved policies of the Shepway District Local Plan Review apply:  
SD1, BE1, BE8, TR11, TR12, CO1, CO4, CO11

8.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD, SS1, SS3, SS5, CSD3, CSD4

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:  
E3, HB1, HB3, NE2, NE3

8.5 The following Supplementary Planning Documents apply:

- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:  
83, 84, 172

## 9.0 APPRAISAL

### Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration are whether the proposal constitutes sustainable rural tourism in accordance with NPPF paragraph 83, Core Strategy policy CSD3 and PPLP policy E3; whether the proposal constitutes viable rural economic development; the impact upon the AONB and SLA; neighbouring amenity, trees and ecology and the level of accommodation for future guests and parking.

### Sustainability

- 9.2 Paragraph 83 of the NPPF supports “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. Although the application is within a rural area, this proposal is for a new business and is not part of an existing rural tourism business.
- 9.3 Policy CSD3 of the Core Strategy states that tourist, recreation and rural economic uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements it may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. Paragraph 4.62 of the Core Strategy states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected locations across the district, and can maximise efficient use of existing infrastructure and support business and community facilities. The application site is outside any settlement boundary and Lymbridge Green in Stowting Common is not a rural centre or primary or secondary village. The Settlement Hierarchy seeks to maintain the character and integrity of the countryside, and protect small rural places, the extent of settlements is defined through boundaries separating settlements from open countryside. Focusing attention on these existing places underpins not only the protection of the district’s open countryside, but also seeks the achievement of sustainable places. Therefore, this unsustainable location for a tourist facility in the form of guest accommodation would not be supported by local policy as there would likely be other sites in more sustainable locations which could accommodate this type of tourist accommodation.
- 9.4 The sequential approach for locating such tourism facilities is further echoed in the emerging policy E3 in the Places and Policies Local Plan Submission Draft which states that planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions where the location is well related

to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new tourist accommodation in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable and an open countryside location is needed. This application is for new guest accommodation and it has not been demonstrated within the application why the accommodation cannot be located within or on the edge of a settlement and why it is required to be located in Lymbridge Green in the open countryside, other than this is where the applicant lives.

- 9.5 Paragraph 83 of the NPPF goes on to state that support will be given to “sustainable rural tourism and leisure developments which respect the character of the countryside”. However, this is not considered to be a sustainable location. Stowting Common is situated a significant distance away from public transport with the closest train station being Sandling Station which is approximately 6.7 miles away and the closest bus stop being Tumulus Farm located on Stone Street, approximately 2.5 miles away. Therefore future occupiers would be heavily reliant on journeys carried out by private car representing an unsustainable form of development in the countryside. In addition, there are limited, if any, tourist attractions within the immediate area which would require people to stay within Stowting Common, other than to walk, hike, run and cycle as suggested by the applicant in the submitted Business Plan. Which, if considered to be a valid consideration, this would attract a very limited market. As the holiday lets are proposed to be self-catering, the distance to facilities has been assessed, with the closest pub/restaurant being The Tiger Inn which is located approximately 2.2 miles away, and the Five Bells pub/restaurant located approximately 2.4 miles away.
- 9.6 The Business Plan further states that the city of Canterbury is a 20 minute drive away, but if guests wanted to see Canterbury they would stay in or much nearer to Canterbury than this application site. The Business Plan also states that the Channel Tunnel is 15 minutes’ drive away, however this link is considered to be ambiguous as it is not clear why people using the Channel Tunnel would stay in this location over and above other hotels, guest houses in closer proximity to the Channel Tunnel if they wished to use it. People using the Channel Tunnel for travel are more than likely to require an overnight stay however the shortest stay proposed for these holiday lets is 2-3 nights. The coastal towns of Folkestone, Hythe and Sandgate have also been included within the Business Plan as reasons why people would stay at Lymbridge Green, however, officers do not consider this to be a valid reason as to why people would stay in this location. If they wanted to visit these locations, they would stay within or closer to these coastal towns. Notwithstanding this, to visit Canterbury, Folkestone, Hythe or Sandgate would require the private use of a car, again further demonstrating that the site is in an unsustainable location.
- 9.7 It is acknowledged that paragraph 84 of the NPPF states that there should be recognition that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing

settlements, and in locations that are not well served by public transport. However, it is considered that it has not been sufficiently demonstrated that there is an adequate demand and need for holiday let accommodation in this particular location, over and above other locations which are more sustainably located within defined settlements, or on the edge of Strategic Towns or Service Centres, Rural Centres, Primary or Secondary Villages.

- 9.8 The NPPF states that in these circumstances the development should provide opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The NPPF states that use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. However, the proposal is not considered to be well-related to existing settlements and as the proposal is small scale it would not be proportionate for the development to improve public transport to the area.

## **Viability**

- 9.9 The site is situated outside any defined settlement boundary, within the countryside and new isolated residential development is resisted by paragraph 79 of the NPPF and local plan policies which seek to protect the countryside by directing new residential development to existing settlements where the location is sustainable. Emerging policy E3 in the Places and Policies Local Plan Submission Draft also states that planning permission for new tourism development in the countryside would only be granted where the development is viable and would have significant economic and other benefits to the locality.
- 9.10 A viability statement has not been submitted with the application, only a business plan which is considered to be poor and to lack substance with projected costs based on holiday lets throughout Kent, some being in more sustainable locations than this application site, and on the assumption that the accommodation would be occupied for at least 20-25 weeks of the year with no expenses listed. The building works cost has not been set out, with a caveat of “subject to specification” but there is no breakdown provided. There is concern that the proposal may be of too high specification to make the business viable in the long run and given the remote location, that there would not be sufficient demand to keep the holiday let business running.
- 9.11 It is acknowledged that a supporting letter from the holiday lettings company ‘Mulberry Cottages’ has been submitted with the application which states that they are confident in the success of the venture as a profitable holiday letting business. The submitted Business Plan lists the benefits of advertising and marketing with Mulberry Cottages who would require 20 weeks availability. The remaining weeks would be advertised by the applicant via “own website, local tourist information services, social media and personal networking to bring in rentals for the remaining 27-32 weeks of the year”. However, as there has been no viability statement submitted and as the Business Plan lacks detail, it is considered that it has not been sufficiently demonstrated that the new business would be viable or that there

would be significant economic benefits to the local area to justify overriding the unsustainable location due to the small scale of the proposal . As such the proposal is considered to be contrary to emerging policy E3 of the Places and Policies Local Plan Submission Draft.

## **Setting and Character of the AONB and SLA**

- 9.12 The site is within the Kent Downs AONB and so the impact of the proposal, and the cumulative effect on the AONB and its setting needs to be carefully assessed. The site is also within the locally designated SLA and policy CO4 of the Local Plan seeks to protect or enhance the natural beauty of the SLA.
- 9.13 Policy CSD4 of the Core Strategy states that ‘planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations. The NPPF, paragraph 172 also states that great weight should be given to conserving and enhancing landscaping and scenic beauty in the AONB. The existing buildings are in a poor state of repair and the proposal is to remove and build replacement buildings, with the exception of the small store building. Paragraph 5.33 of the Core Strategy states that there is a particular sensitivity around new buildings and structures in the countryside. This is especially so in landscapes such as the AONB. It is accepted that the buildings on site are in poor condition and because of this they do not contribute to the character and appearance of the local area by virtue of their historic traditional or vernacular form, and therefore their removal is considered to be acceptable. However, given the countryside location, buildings should be converted without requiring substantial alteration, extension or rebuilding. Having said this, the proposal is to replace the existing buildings as they are visually in poor condition.
- 9.14 In terms of the design and visual appearance of the proposal, the buildings are considered to be of a high standard of design, with appropriate materials for the countryside location with timber cladding proposed to the elevations and roof of the buildings. Policy NE3 of the Places and Policies Local Plan requires development within the AONB to reinforce and respond to, rather than detract from, the distinctive character and special qualities including tranquillity of the AONB. As well as the design scale, setting and materials of developments being appropriate to the AONB.
- 9.15 Although the height of the buildings would be 4.4m to the ridge, which would be higher than the existing buildings with the maximum existing height being 3.4m, the site is screened by dense vegetation and considering the timber cladding finish, it is considered that the proposed design scale and materials would fit well within the site and would not be harmful to the setting and character of the AONB or the SLA.
- 9.16 However, by providing living accommodation in this location, to the rear of existing residential properties, the proposal would be introducing activity in this location which currently is used as residential garden. To introduce regular comings and goings from guests arriving and departing together with daily activities, would change the tranquillity of the area. Although

considering this change in tranquillity, it is not considered that the provision of two holiday let's would result in such a significant impact to warrant refusal on this ground.

## **Residential Amenity**

9.17 Considering the location of the site, to the rear of an existing residential dwelling which is surrounded by thick vegetation, and with neighbouring dwellings set a good distance away, with the closest dwelling Lymbridge Green Farm Cottage approximately 20m away, it is not considered that the proposed holiday lets would have a negative impact upon neighbouring amenity. No side facing or rear facing windows are proposed, so all outlooks from the holiday lets would be focussed into the application site. As such, the proposal is considered to be compliant with policy SD1 of the Shepway District Local Plan Review which seeks to safeguard and enhance the amenity of residents.

9.18 The proposed internal floor space for each of the holiday lets would measure approximately 40 sqm, not accounting for the children's sleeping deck above. Policy HB3 of the Places and Policies Local Plan requires a floor area of 50 sqm for a two person, single storey dwelling. Although it is acknowledged that the proposal would not be providing permanent residential dwellings, it would be providing residential accommodation and as holiday lets fall within the same use class as residential (Class C3) the space standards policy therefore applies. The proposal would therefore be in conflict with this policy, and as such it is considered the development would result in a poor level of accommodation for future guests.

## **Trees and Ecology**

9.19 Following the submission of the bat scoping survey, KCC Ecology raise no objection to the proposal. The proposal is considered to comply with policy CO11 of the Shepway District Local Plan Review, policy CSD4 of the adopted Shepway Core Strategy Local Plan 2013 and emerging policy NE2 of the Places and Policy Local Plan Submission Draft.

9.20 There are no TPO trees present on site and there are not considered to be any significant arboricultural constraints present, as such the Councils Arboriculture Officer raises no objection to the proposal.

## **Highway Safety**

9.21 Policy TR12 of the Local Plan states that new development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards. This proposal utilises an existing entrance into the site and proposes sufficient parking to the rear in front of the holiday lets. It is not considered that intensification of this access would be unacceptable in terms of highway safety as the access is off a cul-de-sac road.

## **Environmental Impact Assessment**



9.22 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered to fall within Schedule 2 and although under the threshold for screening schedule 2 projects, it requires screening as the application site is within a sensitive area (*AONB*). A screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required.

## **Local Finance Considerations**

9.23 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. Although the proposal is for holiday lets, the proposed buildings would be in C3 use and are therefore liable for CIL charging. The CIL levy in the application area is charged at £138.94 per square metre (plus inflation) for new dwellings.

## **Human Rights**

9.24 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.

9.25 This application is reported to Committee at the request of Cllr Hollingsbee as the Parish Council have made no objections, and there are different views on sustainability and viability of the two holiday lets.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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**RECOMMENDATION – That planning permission be refused for the following reasons:**

1. The proposed development, due to being outside any defined settlement boundary and not within a rural centre or primary village as set out in the

Settlement Hierarchy of the Core Strategy, would result in an unsustainable tourism facility with poor access to services. The application has also failed to demonstrate that there is sufficient need or demand for this tourism facility or that it would be viable and as such has failed to demonstrate that the proposal would not result in unnecessary development in the countryside resulting in harm to its intrinsic character. The proposal is therefore contrary to policies CSD3 of the Core Strategy Local Plan and E3 of the Places and Policies Local Plan Submission Draft and paragraphs 83 and 84 of the National Planning Policy Framework, which seek to protect the countryside by requiring new tourism accommodation to be located in sustainable places which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling and by public transport.

2. The proposed development would fail to provide sufficient internal floor space, contrary to policy HB3 of the Places and Policies Local Plan Submission Draft, resulting in an unacceptable level of amenity and providing a poor level of accommodation for prospective users.

# DCL/18/35

Y18/1077/FH  
Chapel Cottage  
Lymbridge Green  
Stowting Common

