

Application No: 21/1172/FH

Location of Site: Seven Acre Field, St Mary in the Marsh, Romney Marsh, TN29 0BX.

Development: Residential development of 4 dwellings.

Applicant: St Mary in the Marsh Parish Council.

Agent: RDA Consulting Architects.

Officer Contact: Ross McCardle.

SUMMARY

Planning permission is sought for the erection of four dwellings on an area of open space to the south of the Star Inn, St Mary in the Marsh. The site is considered to be remote and unsustainable; no evidence has been put forward to demonstrate that the proposed dwellings would meet an identified local affordable housing need or be for the provision of any other rural exception housing; the proposed dwellings would be harmful to the character and visual amenity of the countryside and to the setting of the adjacent listed buildings; and the development would be harmful to the residential amenity of the residents of Star Cottage. The proposal is therefore considered to be contrary to adopted and emerging local and national planning policy, and is therefore recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the reasons set out at the end of the report.
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1. INTRODUCTION

1.1. The application is reported back to Committee after being deferred for submission of further information at the meeting on 23 November 2021. The printed minutes state:

Resolved: That the application be deferred to enable the applicant to provide information to demonstrate a need for affordable housing in the village, and for submission of a s.106 legal agreement to secure the properties as affordable housing for local people.

1.2. The application was originally called in by Cllr David Wimble, and the applicant is St Mary in the Marsh Parish Council.

2. BACKGROUND

2.1. The application seeks full planning permission for the erection of four residential dwellings and associated access, parking, gardens, and landscaping on a parcel of open public amenity land known as Seven Acre Field. A detailed description of the proposed development (including drawing extracts) and the site and its surroundings (including photographs), the relevant planning history for the site, a list of consultation responses, and a list of the relevant planning policies are set out in full within the original report to committee, attached here as **Appendix 1**.

2.2. As set out above, Members voted to defer determination of the application from the March meeting to enable the applicant to provide further information in regards the need for affordable housing within the village which would justify a grant of permission contrary to local and national planning policies.

3. APPRAISAL

3.1 The principle of development, scale, design, amenity, and highways considerations are discussed within the original report attached at Appendix 1. Members voted that the item be deferred solely for the reason set out at 1.1 above, i.e. justification as to the need for local affordable dwellings.

3.2 Therefore, and in light of the above, the issues for consideration under this report are:

- a) Principle of development and justification
- b) Other matters

a) Principle of development and justification

3.3 As set out within the original report, the application site lies outside of any defined settlement boundary. The adopted local policies and national guidance set within the report seek to protect the countryside for its own intrinsic beauty and amenity value and regard it as being within one of the least desirable locations for the provision of new housing, and it is on the very lowest tier of the settlement hierarchy set out within the PPLP. The Council also has an identified five-year supply of land and is therefore under no pressure to approve new housing development in unacceptable locations.

3.4 Members voted to defer the application for the applicant (the Parish Council) to provide information as to a local affordable need which would demonstrate a justifiable need for affordable dwellings in the village. Affordable housing to meet an identified need is an acceptable exception to the adopted policies of rural restraint that otherwise restrict residential development in rural areas.

3.5 The Parish Council has provided a statement which is attached in full at **Appendix 2**. The following extracts are particularly relevant:

Neither the parish council, nor the district council can justify any need for affordable housing in the village. Agricultural land in the parish was offered some years ago to Planning Services for affordable housing but it was refused, on the grounds that sufficient social housing is already in situ. There is no record of any social housing requests in the village, via Housing Services.

There is significant support for purchasing smaller houses, demonstrated in consultation with local residents. In recent years planning permission has been granted to build large detached houses in the village that are top of the range dwellings and are unaffordable to local people. This imbalance of development is breaking the community, separating families and creating isolation. Community imbalance is harming the village, and leaving many

who wish to live and work locally with no option other than to move elsewhere.

- 3.6 This very clearly, and by the Parish Council's own admission, sets out that there is no identified need for affordable housing within the Parish. What there is, however, is a desire for people to be able to purchase smaller properties – this is therefore an issue of *demand* rather than *need*.
- 3.7 The Parish Council's statement also sets out that they are prepared to "*undertake a s.106 legal agreement to secure the four properties for local people.*" This would not, however, serve as sufficient justification to overcome the policy requirements in regards exception sites. The purpose of the exception sites policy is to seek to ensure the provision of affordable housing in rural communities where it is not well provided for. It is, in part, a response to the general strong presumption against new residential development in unsustainable locations outside the settlement boundary.
- 3.8 The Parish Council itself sets out that there is no need for affordable housing in this location. As such, the development, considered against national policy and the policies set out in the Core Strategy Review 2022 and the adopted Local Plan, is unacceptable as a matter of principle.
- 3.9 Given the unacceptable nature of the application officers have encouraged the Parish Council not to pursue a s.106 agreement at this stage, as to do so would be a costly exercise. If Members are inclined to approve the application a s.106 agreement can be drafted prior to issuing the decision notice.
- 3.10 However the nature of such legal agreements is that the requirements cascade, i.e. the dwellings must first be offered to local residents living within the parish, then further afield before finally being offered for open market sale. Without any evidence of local need it is therefore possible that if there are no local residents in a position to purchase the properties they would be sold to non-locals, contrary to the Parish Council's aim and justification for submitting this application.
- 3.11 Officers therefore recommend that the application should be refused, as per the reasons set out within the original report.

b) Other matters

- 3.12 Notwithstanding the above it remains the case that the scale, design, layout, impact upon visual amenity, impact upon residential amenity, and impact upon highway safety and amenity are also unacceptable, as set out within the attached report.
- 3.13 Officers maintain their recommendation that the application should be refused for the reasons set out within the original report.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

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. There is no CIL requirement for this development.

In accordance with policy SS5 of the 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. *The CIL levy in the application area is charged at £59.04 per square metre for new residential floor space.

Human Rights

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.

Public Sector Equality Duty

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

4. CONCLUSION

- 4.1 This application seeks planning permission for the erection of four dwellings on an area of open space to the south of the Star Inn, St Mary in the Marsh. The site is considered to be remote and unsustainable and, while Members deferred the item for further information to be provided no evidence has been put forward to demonstrate that the proposed dwellings would meet an identified local affordable housing need or be for the provision of any other rural exception housing;
- 4.2 The proposed development would be contrary to established local and national policies of rural restraint; harmful to the character and visual amenity of the countryside and to the setting of the adjacent listed buildings; harmful to the residential amenity of the residents of Star Cottage; and harmful to highway safety and amenity. The proposal is therefore considered to be entirely contrary to adopted local and national planning policy.
- 4.2 The application is therefore recommended for refusal.

5. BACKGROUND DOCUMENTS

- 5.1 The consultation responses set out at Section 5.0 of the original report (attached as Appendix 1) are background documents for the purposes of the Local Government Act 1972 (as amended).

6. RECOMMENDATIONS

That planning permission be refused/for the following reasons:

Reasons:

1. The proposed development, by reason of its location outside the settlement boundary and remoteness from shops and services, would amount to unsustainable development, and would result in unnecessary built development into the open countryside, unacceptable as a matter of principle, and, contrary to Policies HB1 of the Places and Policies Local Plan; policies SS1, SS3, and the table at para. 4.61 (settlement hierarchy) of the adopted Core Strategy; policies SS1, CSD3, and paragraph 4.69 (settlement hierarchy) of the emerging Core Strategy Review 2020; and the advice of paragraphs 47, 80, and 174 of the National Planning Policy Framework.
2. The proposed dwellings by reason of their scale, form, design, and siting would be harmful to the character and appearance of the streetscene and the wider countryside in a manner contrary to policy HB1 of the Places and Policies Local Plan; policies SS1 and SS3 of the adopted Core Strategy; policies SS1 and SS3 of the emerging Core Strategy Review 2020; and the advice of paragraph 174 of the National Planning Policy Framework.
3. The proposed development would introduce a sense of enclosure to and loss of outlook (from the southern flank windows) from Star Cottage, in a manner harmful to the residential amenity of the occupants of this dwelling and contrary to Policy HB1 of the Places and Policies Local Plan.
4. The proposed development by reason of its scale, design, siting and location would be harmful to the setting of the adjacent listed buildings in a manner contrary to

policies HB1 and HE1 of the Places and Policies Local Plan; policies SS1 and SS3 of the adopted Core Strategy; policies SS1 and SS3 of the emerging Core Strategy Review (February 2020 Submission Draft); and the advice of paragraphs 194, 195, 197, 199, 201, 202, and 205 of the National Planning Policy Framework.

5. The development would result in the loss of an area of public open space in a manner harmful to the amenity of local residents and contrary to policies HB1, C2, and C3 of the Places and Policies Local Plan.
6. Insufficient evidence has been submitted to demonstrate that appropriate vehicle sight lines and on-site vehicle tracking could be provided, or that the dimensions of the proposed parking spaces accord with the technical requirements of the adopted Kent Vehicle Parking Standards 2006. The development would therefore be harmful to local amenity and to highway safety and amenity in a manner contrary to policy HB1 of the Places and Policies Local Plan.

Informatives:

1. This application was determined on the basis of drawings 19.153.03, 04, 05, 06, 08, 09, 10, 11, and 12.

Appendix 1 – Committee report presented to 23 November 2021 meeting.

Appendix 2 – Parish Council’s supporting statement.

DCL/22/19