

**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**

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; 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.**

## **1. INTRODUCTION**

1.1. The application is reported to Committee having been called in by Cllr David Wimble, and the applicant is St Mary in the Marsh Parish Council.

## **2. SITE AND SURROUNDINGS**

2.1. The application site is an open rectangular field (known as Seven Acre Field) immediately to the south-west of the Star Inn at St Mary in the Marsh. The site is approximately rectangular, extends to around 1,600 sqm (0.16ha), is flat and level in reflection of the marshy location, and is owned by the Parish Council. It is enclosed by a low picket fence and there are far-reaching views in all directions across the surrounding agricultural fields. The site and wider hamlet are outside of any defined built up area boundary; and beyond the pub and the small group of housing collected around Wades Close and Rectory Road the area is entirely surrounded by open fields.

2.2. Immediately to the north of the site is Star Inn Cottage; a single-storey residential dwelling that runs hard along the northern site boundary and with windows facing and opening onto the site. To the north of Star Cottage is the Star Inn, a grade II listed pub (list entry no. 1344205) dating to the 1700s (some parts date to the 1400s), and beyond that is the listed parish church of St Mary the Virgin, with work in the regions of the 12<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> centuries.



Fig.1 – Aerial view of site.

- 2.3. St Mary in the Marsh has no facilities other than the public house. The centre of New Romney and the various amenities therein is approximately 2.7km south “as the crow flies”; and slightly further by road or public footpath. The western edge of St Mary’s Bay is approximately 2km to the east “as the crow flies” and 3km by road.
- 2.4. The site is within FZ3, but is also in an area benefitting from flood defences and is therefore considered to be at low risk until 2115 under the Council’s adopted SFRA.
- 2.5. Two public rights of way cross the site: HM136 and HM130, as shown on fig. 2 below.

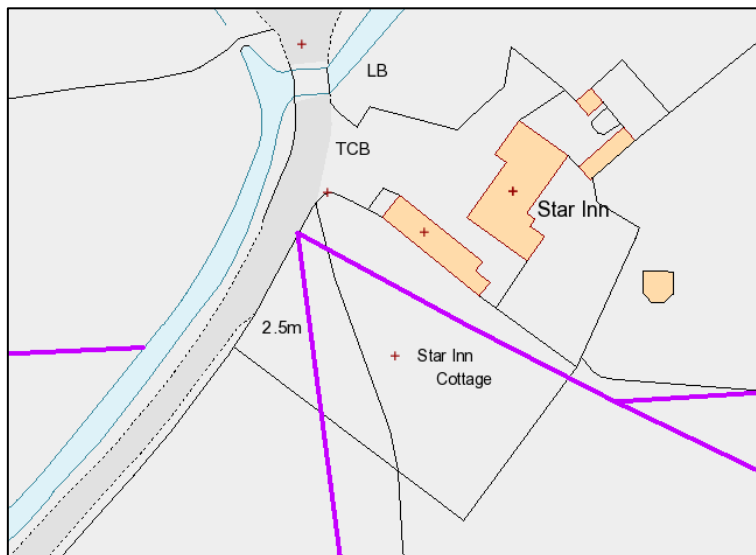


Fig.2 – Public Rights of Way (purple) across the site.

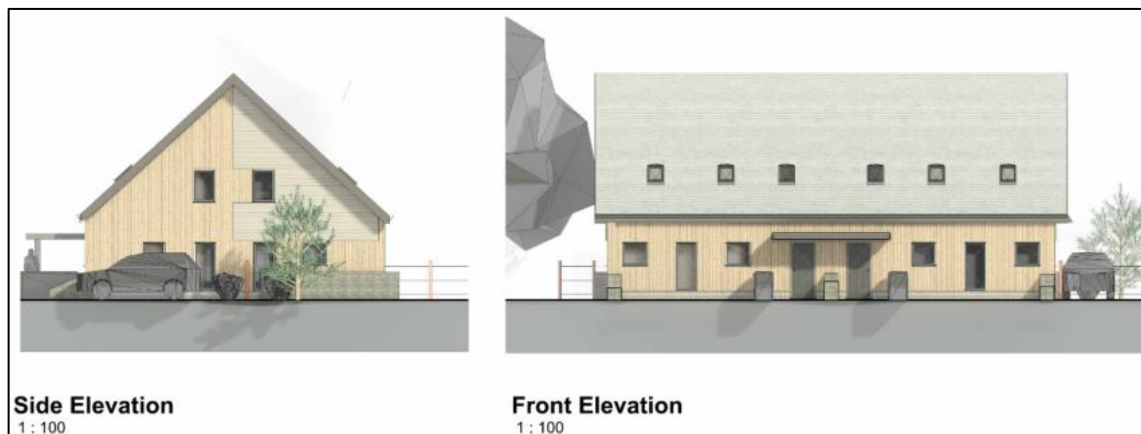
- 2.6. The area is within CIL zone B, rated at £59.04 per sqm.
- 2.7. A site location plan is attached to this report as **Appendix 1**.

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for the erection of four residential dwellings and associated access, parking, gardens, and landscaping.
- 3.2 The proposed dwellings would be situated roughly central on the site and comprise two pairs of semi-detached chalet bungalows, with frontage parking to the southern side and gardens to the north (extending towards Star Cottage). Vehicle access to the site would be from the northwest corner leading to an internal estate road.
- 3.3 The proposed pairs of chalet bungalows would measure approximately 16m wide x 10.8m deep x 8m tall with steep tiled roofs and vertical timber cladding to the external elevations. Internally they would each provide a kitchen and living space at ground floor, with three bedrooms and a bathroom within the loft space.



Site layout plan



Proposed front and side elevations



Proposed side and rear elevations

#### 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

20/0338/FH      Erection of 4 residential dwellings.      Refused

The application was refused on the following grounds:

1. *The application site, by reason of its unsustainable and remote location outside of any defined built up area boundary, is considered unsuitable for residential development. The erection of dwellings in this location would be harmful to the character, appearance, and amenity value of the wider countryside and contrary to saved policies HO1, H06, and CO1 of the adopted Shepway Local Plan 2006; emerging policy HB1 of the Places and Policies Local Plan (February 2018 Submission Draft); 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 70, 79, 163, and 170 of the National Planning Policy Framework.*
2. *The proposed development would introduce vehicle and pedestrian movements in close proximity to primary windows at the adjacent Star Cottage, and would also introduce a sense of enclosure and overlooking between existing and proposed residents in a manner harmful to the amenity of the occupants of Star Cottage and contrary to the provision of policies SD1 of the adopted Shepway Local Plan 2006; and emerging policy HB1 of the Places and Policies Local Plan (February 2018 Submission Draft).*
3. *The proposed development, by reason of its scale, design, and siting, would be harmful to the special historic or architectural interest of the adjacent grade II listed Star Inn in a manner contrary to policies BE5 of the adopted Shepway Local Plan 2006; emerging policy HE1 of the Places and Policies Local Plan (February 2018 Submission Draft); 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 189, 193, 194, and 195 of the National Planning Policy Framework.*

4. *Insufficient evidence has been submitted to demonstrate that the proposed development would not be harmful to water quality, or that appropriate vehicle sight lines could be provided. The development would therefore be harmful to local amenity and to highway safety and amenity in a manner contrary to policy U4 of the adopted Shepway Local Plan 2006; emerging policy NE7 of the Places and Policies Local Plan (February 2018 Submission Draft); and the advice paragraph 180 of the National Planning Policy Framework.*

## 5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

### Consultees

**St Mary in the Marsh Parish Council:** no objection. [CPO: the application has been submitted by the Parish Council.]

**KCC Highways and Transportation:** no objection subject to receipt of amended drawings to show minor revisions to site access and internal road width.

**KCC Ecology:** no objection subject to a standard condition to secure ecological enhancements.

**KCC Public Rights of Way:** comments awaited. I will update Members at the meeting.

**KCC Archaeology:** note potential for archaeological remains to be present on site, but raise no objection subject to a standard condition to secure archaeological investigation.

**Environment Agency:** no objection subject to standard conditions.

**Southern Water:** note that there are no public foul sewers within the area and advise the applicant to consider alternative means of foul water disposal.

**Arboricultural Manager:** No objection.

### Local Residents Comments

- 5.2 Two neighbours directly consulted and a site notice erected. Three letters of objection received in response.

- 5.3 I have read all of the letters received. The key issues are summarised below:

- Reasons for refusal on previous application (as above) have not been overcome;
- Harmful to the setting of the Star Inn and St Marys church;
- Massing and scale of development is inappropriate for a rural area;
- Local community have not been consulted by the Parish Council;
- Impact on public footpaths crossing the site;
- Highway safety and amenity;
- Loss of community facility/land;
- Loss of light/overshadowing of Star Cottage;

- Overlooking windows of Star Cottage; and
- Did not receive consultation letter.

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

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation and as been subject to an Examination in Public in January 2021. As such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:-

### Places and Policies Local Plan 2020

HB1 (quality places through design)  
 HB3 (space standards)  
 HB6 (local housing needs in rural areas)  
 C2 (safeguarding community facilities)  
 C3 (provision of open space)  
 T2 (parking standards)  
 T5 (cycle parking)  
 NE2 (biodiversity)  
 NE5 (light pollution and external illumination)  
 CC1 (reducing carbon emissions)  
 CC2 (sustainable design and construction)  
 CC3 (SuDS)  
 HE1 (heritage assets)

Policy HB6 states:

*Planning permission will be granted for proposals for local needs housing within or adjoining villages of a suitable scale and type to meet identified needs provided that:*

- 1. The need cannot satisfactorily be met on: sites with planning consent for housing; through an allocated site in this local plan or a Neighbourhood Plan; from redevelopment, infill or conversion in line with other plan policies; or by other means;*
- 2. The local need has been clearly identified by a detailed parish survey and the size, mix and tenure of the dwellings would help to meet the identified need. It may be necessary to take into account the needs in adjacent parishes so as to relate catchment areas to settlements;*
- 3. The development has been designed and will be available at a cost capable of meeting the identified local need;*
- 4. The site is well-related in scale and siting, to the settlement and its services and is capable of development without significant adverse landscape, ecological, environmental, historic environment or highway safety impacts; and*

5. If a viability appraisal demonstrates that it is not viable to provide all the homes in the scheme as affordable dwellings, consideration will be given in order of preference to:

- i. Changing the tenure mix of the affordable homes and/or the application of any available public subsidy; and only then to
- ii. Including the minimum market housing necessary to make the scheme viable and still remain an exception site.

#### Core Strategy Local Plan (2013)

SS1 (district special strategy)  
SS3 (sustainable settlements)  
CSD3 (rural development)

SS1 identifies the main strategic areas for development within the borough, in combination with the settlement hierarchy at policy SS3.

Policy SS3 and the table at para. 4.61 sets out the boroughs settlement hierarchy, with sites within the open countryside being the most undesirable locations for new residential development. SS3 states that *“development within Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline, in accordance with policy SS1.”*

CSD3 sets out that *“proposals for new development in locations outside the settlement hierarchy may only be allowed if a rural or coastal location is essential, and to meet green infrastructure requirements. Development in these locations will only be acceptable in principle if forming a site for: a. affordable housing (rural exceptions in accordance with CSD1, or allocated sites)  
b. agriculture, forestry or equine development  
c. sustainable rural diversification, and tourism enterprises as set out below  
d. local public or essential services and community facilities in line with policies SS3/4  
e. replacement buildings (on a like-for-like basis)  
f. conversions of buildings that contribute to the character of their location  
g. sustainable rural transport improvements  
h. essential flood defences or strategic coastal recreation.”*

#### Core Strategy Review Submission draft (2019)

SS1 (district special strategy)  
SS3 (sustainable settlements)  
CSD3 (rural development)

Policy SS1 sets out the District Spatial Strategy in regards new housing development, and states that housing to meet the borough’s identified need will be provided primarily within a new garden town (Otterpool) and existing urban areas. It states that *“Development outside the new settlement and identified centres in the open countryside and on the coast (defined as anywhere outside settlements within Table 4.3 Settlement Hierarchy) will only be allowed exceptionally, where a rural or coastal location is essential (policy CSD3).”*

Para. 4.68 of the Core Strategy sets out the settlement hierarchy for the borough, establishing where new housing development will be directed in order of preference. Sites within the open countryside such as the current application site do

not make it on to the list, and it are considered to be the most undesirable locations for new residential development in the borough in terms of sustainability.

Core Strategy policy SS3 then states that *“development within the district is directed towards existing sustainable settlements...to protect the open countryside...in accordance with policy SS1.”* SS3 does allow for development of previously-developed land, but there is no suggestion that is the case here, the land having been used for “grazing” chickens for 20 years.

As above CSD3 sets out that *“proposals for new development in locations outside the settlement hierarchy may only be allowed if a rural or coastal location is essential, and to meet green infrastructure requirements. Development in these locations will only be acceptable in principle if forming a site for:*

- a. affordable housing (rural exceptions in accordance with CSD1, or allocated sites)*
- b. agriculture, forestry or equine development*
- c. sustainable rural diversification, and tourism enterprises as set out below*
- d. local public or essential services and community facilities in line with policies SS3/4*
- e. replacement buildings (on a like-for-like basis)*
- f. conversions of buildings that contribute to the character of their location*
- g. sustainable rural transport improvements*
- h. essential flood defences or strategic coastal recreation.”*

The Folkestone & Hythe District Core Strategy Review Submission Draft was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made ‘sound’ by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan’s spatial strategy and overall approach to the district’s character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors’ outline of main modifications required.

6.4 The following are also material considerations to the determination of this application.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-



Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

The NPPF generally supports new residential development, para. 11 in particular setting out that where development plan policies are out of date the presumption in favour of sustainable development takes precedence except where the development would impact a designated / protected area, such as those at risk of flooding (as set out in footnote 6).

Para. 68 requires Councils to demonstrate a five-year supply of housing land, and to identify land which would contribute to meeting this supply. Para. 69 allows for windfall sites to make a contribution to the supply.

Para. 80 states that Councils “*should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

Para. 119 directs planning policies and decisions to make effective use of land to meet the need for homes, while also safeguarding the environment. It sets out that strategic policies should set a clear strategy in this regard.

Para. 154 sets out that development should be planned to avoid increased vulnerability from climate change impacts, while para. 159 states that “*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.*”

Para 167 (in extract) sets out that “*development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Para. 174 seeks to protect the natural environment, and point b) directs LPAs to recognise the *“intrinsic character and beauty of the countryside.”*

Section 16 of the NPPF sets out the requirement to protect the historic environment and heritage assets unless there are wider public benefits that would outweigh any harms thereto.

St Mary in the Marsh Neighbourhood Plan (2017 – 2028)

([https://theromneymarsh.net/assets/fileman/Uploads/Documents/STMMPC\\_Neighbourhood\\_Plan\\_FINAL\\_.pdf](https://theromneymarsh.net/assets/fileman/Uploads/Documents/STMMPC_Neighbourhood_Plan_FINAL_.pdf))

Paras. 5.1.12 and 5.1.13 set out (my emphasis in **bold**):

5.1.12 *New development at The Potato Factory site at Hope Lane/Cockreed Lane is currently under construction with permission to develop 55 new homes. This forms part of the land identified within the Shepway Core Strategy 2013 policy CSD8 New Romney Strategy, which provides for 300 homes. The majority of this allocation falls just outside the parish within the parish of New Romney.*

5.1.13 ***These sites together provide for 212 dwellings in the Parish and it is considered that this will meet the general housing need of the area until 2026 and also provide a sufficient contribution to meeting affordable home needs.***

## 7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development
- b) Affordable housing exception
- c) Flood risk
- d) Scale, design, and visual amenity
- e) Residential amenity
- f) Heritage assets
- g) Highways and parking
- h) Site drainage
- i) Loss of open space
- j) Other matters

## **a) Principle of development**

- 7.2 The application site lies outside any defined settlement boundary. The adopted and emerging local policies and national guidance set out above (which seek to protect the countryside for its own intrinsic beauty and amenity value) regard it as being within one of the least desirable locations for the provision of new housing, and falls on the very lowest tier of the settlement hierarchy set out within the PPLP.
- 7.3 The land is not previously developed and the proposed dwellings are not proposed to be for the purposes of meeting an identified local affordable housing need, agricultural worker's dwellings, or any of the exceptions set out by policy CSD3 (as above). The scheme therefore does not qualify as a rural exceptions site.
- 7.4 The Council has an identified five-year supply of land and significant residential development is also coming forward through the new town to be developed at Otterpool. It is therefore under no pressure to approve new housing development in unacceptable locations.
- 7.5 While there are a number of existing dwellings nearby, the site and the wider hamlet are isolated from any shops, services, or public facilities other than the local pub. The facilities of New Romney or St Mary's Bay are a minimum of 2km away by road. Residents of the proposed houses would be heavily reliant on private vehicles and the proposal would therefore constitute isolated and unsustainable development in a manner contrary to the provisions of the NPPF, and contrary to the Council's aims of reducing carbon emissions as set out by the above policies.
- 7.6 Residential development at this location is unacceptable in principle, and contrary to both local and national planning guidance. This amounts to a reason for refusal.

## **b) Affordable housing exception**

- 7.7 The application suggests that the proposed dwellings will be used by the Parish Council to provide "local housing," but there is no detail as to whether this would be for the purposes of affordable housing or freehold development with the funds being used for investment in the village (for example). On the face of it, therefore, this scheme amounts to market housing development on a rural site.
- 7.8 Policy CSD1 of the emerging Core Strategy provides an exception for rural housing, setting out that "*affordable housing development will be allowed at sustainable rural settlements as an exception to policies of rural restraint ...where it has been demonstrated that there is a requirement in terms of local need.*"
- 7.9 As above: the site is not considered to be sustainable.
- 7.10 In regards an identifiable local need I refer to the St Mary in the Marsh Neighbourhood Plan (as set out above), which clearly sets out that the parish's local affordable need will be met on allocated sites elsewhere. No information has been put forward to demonstrate either a shortfall in that provision or a particular demonstrable need for any shortfall nor any increase in demand to be met by development of this particular parcel of land. I understand this is land the Parish Council owns and it therefore helps overcome land value/purchase complications

that may arise on third-party land elsewhere, but that is not sufficient to overcome the harm caused through unjustified development within the countryside.

**c) Flood risk**

7.11 The site lies within flood zone 3 but (as with large parts of the marsh) benefits from flood defences and is considered to be at low risk until 2115 under the Council's adopted SFRA.

7.12 However, the submitted Flood Risk Assessment fails to properly consider the Sequential and Exceptions tests as required by the NPPF and does not consider possible alternative sites that could accommodate development instead. In that regard the FRA is lacking and (while I note the site is at relatively low risk) can't conclusively demonstrate that development here would be acceptable in flood risk terms as required by the NPPF. It is in any case evident from the Neighbourhood Plan that the affordable housing requirement for St Mary in the Marsh is capable of being met elsewhere. The sequential test is not therefore met.

7.13 Nevertheless, considering part A of the Exceptions Test, there are no wider sustainability benefits arising from this scheme that would justify development on this site in preference to land at lower risk. The development is not (demonstrably) required to meet either an identified local affordable need or the Council's five-year housing targets, and residential development here would be unsustainable due to its remote location. It therefore falls short of the requirements under part A of the Exceptions Test. This amounts to a reason for refusal.

**d) Scale, design, and visual amenity**

7.14 The proposed dwellings are of a simple, contemporary design that may be welcomed at sites elsewhere in the District (subject to minor design amendments, perhaps). Their design has some similarity with modern agricultural sheds, even. However, their bungalow form and prominent, expansive roof forms would be alien to the character and appearance of the area; other than the very diminutive Star Cottage all of the dwellings within the hamlet are two-storey (although of relatively poor design quality by today's standards), and in that regard they would stand out as an incongruous addition to the landscape.

7.15 The renowned British writer, David Hewson, describes the landscape setting:

*“Romney Marsh remains one of the last great wildernesses of south-east England. Flat as a desert, and at times just as daunting, it is an odd, occasionally eerie wetland straddling the coastal borders of Kent and Sussex, rich in birds, local folklore and solitary medieval churches” And the Romney Marsh has long been prized for its sense of remoteness and otherworldliness.”*

7.16 The essential character of St Mary in the Marsh is that of unchanging remoteness. The setting of the historic church and pub has been somewhat compromised by historic housebuilding, but beyond the tightly clustered existing dwellings in the hamlet there is little-to-no built form, and development on this site would introduce a significant degree of urbanisation into an otherwise unspoiled and open rural landscape. Residential development here would be contrary to the established land use pattern, incongruous within the otherwise sparsely-developed context of the

area, and consequently harmful to the character and amenity of the countryside. The very flat and open character of the area would amplify this harm as the dwellings, with their tall roof forms, would be visible for some distance; any planting to soften or screen the development would in itself add an element of incongruity into this open landscape where trees are somewhat of a rarity.

7.17 The harm to the character, appearance, and amenity value of the countryside amounts to a reason for refusal.

#### **e) Residential amenity**

7.18 The proposed dwellings would provide a good standard of amenity for future occupants, with generous internal layouts and gardens of an appropriate size. I have no serious concerns in that regard.

7.19 However I am concerned about the impact of the development upon the residents of Star Cottage, which has windows hard against the site boundary. The submitted layout shows boundary fencing in close proximity to the southern flank of the existing building; this would significantly restrict light into and outlook from those rooms in a manner harmful to the residential amenity of the occupants. Use of lower fences (to allow light/views out) would then give rise to potential for direct overlooking between the private gardens of the new dwellings and the habitable room windows of Star Cottage, which would be equally unacceptable.

7.20 The layout has been amended since the previous refusal to direct vehicle traffic away from the boundary with Star Cottage (which would also be harmful in terms of noise and disturbance from vehicle movements in such close proximity) but the current layout generates a different set of unacceptable circumstances, which amount to a reason for refusal of planning permission.

#### **f) Heritage assets**

7.21 The site lies within an area of archaeological potential but conditions could be used to secure appropriate investigative works/recording/preservation. The development is acceptable in this regard.

7.22 The Star Inn is Grade II listed, and Star Cottage is curtilage listed by reason of its age, its location/relationship with the pub, and the contribution the cottages makes to the group of buildings (it is likely that the cottage originally served as stables serving the public house). Development of this site has the potential to affect the setting of these listed buildings, which, since at least 1870, have remained relatively unchanged:

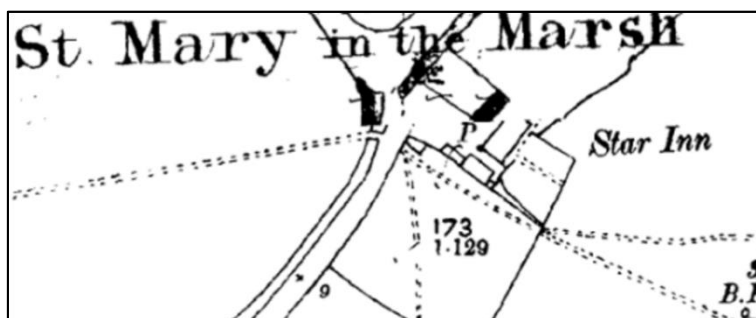


Fig.3 – 1870 OS map extract

7.23 The previous application lacked any consideration of the potential impacts upon these heritage assets. The Design & Access Statement submitted with the current application makes reference to the fact that the buildings (under this revised scheme) have been moved away from the boundary with Star Cottage “to be more sympathetic” to the listed structures, but does not go as far as to consider how this development would affect the special characteristics of the heritage assets, as is required by the NPPF. A full heritage impact statement should be provided but, again, it would not be appropriate to put the applicant to such expense given the recommendation for refusal in principle.

7.24 It is considered that encroachment of built form into the setting of the listed building would significantly harm its special architectural or historic interest significantly. The Star Inn and Star Cottage stand apart from the rest of the village and this relative isolation contributes greatly to their character and setting; in aerial view the currently open field serves to place the two buildings squarely within an open space separate from the surrounding agricultural land and the houses to the north (see fig.1 above). Development of houses on this field, although set slightly away from Star Cottage, would intrude into this otherwise clearly-denoted setting and serve to enclose the listed buildings on their southern side. Views of the listed buildings would also be obscured when approaching from the south (see fig. 4 below), reducing their prominence, impact, and historical significance in a harmful manner. It is considered that the application is unacceptable on these grounds.



Fig.4 – approach to village from the south

#### **g) Highways and parking**

7.25 The site provides parking in accordance with current adopted Kent Vehicle Parking standards, and appropriate sight lines, turning, EV charging, etc. could be secured through amended drawings and standard conditions.

7.26 However, given the objections in principle set out above it was not considered reasonable to put the applicant to the expense of providing amended drawings in this instance, and the layout therefore remains unacceptable in terms of highway safety and amenity. The site access and estate road are not sufficiently wide to allow vehicles to pass; parking spaces are not wide enough to comfortably accommodate vehicles; and it has not been demonstrated that a service vehicle (refuse lorry, etc.) can safely turn within the site. These issues therefore amount to a reason for refusal.

#### **h) Site drainage**

7.27 Appropriate foul and surface drainage could be secured by use of appropriate conditions. The development is acceptable in this respect.

### **i) Loss of open space**

7.28 Development of this site would remove an area of open space/playing field currently available for use by villagers and the general public. While the land is not specifically protected as an open space under the PPLP or the Core Strategy its loss has potential to harm the availability of such facilities within the local area – as a kickabout space for local children, for example. No justification for the loss of this open space has been put forward, nor is there any consideration of alternative or replacement facilities available elsewhere locally that might make up for loss of this land. The development is unacceptable in this regard.

### **j) Other matters**

7.29 If approved the development would be liable for CIL.

### **Environmental Impact Assessment**

7.30 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**

7.31 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.

7.32 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 with the exception of affordable or self-build dwellings.

### **Human Rights**

7.33 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**

7.34 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**

7.35 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. In this instance the proposed development is considered to be contrary to the provisions of the development plan in principle such that amendment would not resolve officer's concerns.

## **8. CONCLUSION**

8.1 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 very remote and wholly 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; the development would be harmful to the residential amenity of the residents of Star Cottage. Finally – the development would result in the harmful loss of public open space without any justification provided.

8.2 The proposal is therefore considered to be contrary to adopted and emerging local and national planning policy, would result in significant material planning harm, and is recommended for refusal.

## **9. BACKGROUND DOCUMENTS**

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

## **10. 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 – Site Location Plan**