

3.2 REFERENCE NO - 16/507038/OUT			
APPLICATION PROPOSAL			
Outline application for the erection of a single dwelling with associated access and parking. (Access only being sought).			
ADDRESS Courtenay House London Road Dunkirk ME13 9LF			
RECOMMENDATION - Refuse			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The proposed development falls outside of the built-up area boundary and is not identified as one of this Council's preferred housing allocations within the emerging Local Plan. The emerging Local Plan can now be given significant weight owing to its advanced stages in the examination process. The social and economic benefits of the proposal have little weight within this policy context and moreover, there would be significant and demonstrable harm to the character and amenity value of the countryside, the adjacent buildings and harm to the landscape which is designated as a Special Landscape Area within the adopted Local Plan and an Area of High Landscape Value in the emerging Local Plan. This harm would outweigh the benefits of the proposal and as such, the proposal would not constitute sustainable development.			
REASON FOR REFERRAL TO COMMITTEE			
Request made by Cllrs Bowles for the application to be reported to the Planning Committee to clarify policy.			
WARD Boughton And Courtenay	PARISH/TOWN Dunkirk	COUNCIL	APPLICANT Mr & Mrs Datlen AGENT The JTS Partnership
DECISION DUE DATE 24/11/16	PUBLICITY EXPIRY DATE 07/11/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/07/0168	Two storey dwelling & single storey garage building for 4 cars.	Refused and subsequent appeal dismissed in January 2008	02.04.2007
<i>Summarise Reasons:</i>			
<i>Development in the countryside outside settlements, disadvantages of the location away from shops and facilities and the impact on the character and appearance of the area.</i>			
SW/87/0741	Erection of a detached bungalow	Refused and subsequent appeal dismissed in 1988.	24.07.1987
<i>Summarise Reasons:</i>			

Development in the countryside outside settlements and that the development would spoil the appearance and pleasant open character of the area.

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies outside Dunkirk a small village which comprises of approximately 110 houses set out in a linear pattern along Dunkirk Road and Courtenay Road and is rural in character.
- 1.02 It comprises of mainly detached and semi-detached houses and bungalows, a former school building (recently closed), a farm shop, public house, a caravan park, two plant nurseries and the village hall. There are some commercial/industrial buildings/land to the east of the site. Dunkirk village lies to the east (approx. 1km) of Boughton under Blean. This neighbouring village is identified as a Local Service Centre within the adopted Local Plan (Rural Local Service Centre in the Emerging Local Plan) and is a larger settlement than Dunkirk with amenities such as a convenience shop, post office, comparison retail units, restaurants, public house, medical centre (although it is reported that this closed on 30th September 2016), village hall (with library) and primary school. There are bus stops within Dunkirk along Canterbury Road with services to Canterbury and Faversham. The site is approximately 5 miles from Faversham and 5 miles from Canterbury.
- 1.03 The application site is identified as a Special Landscape Area under the adopted Local Plan and an Area of High Landscape Value (Kent level) under the Emerging Local Plan.
- 1.04 The site is located adjacent to Courtenay House, a former coaching inn, which has been converted to flats. The site itself measures approximately 0.24 hectares. Dunkirk Farm Bungalow is located immediately east adjacent to the site boundary.
- 1.05 The site is currently used as informal domestic garden space - an application has not been submitted for this use and as such the Council's enforcement team are looking into this matter. A new access driveway with a gated entrance, enclosed by a timber boundary fence has also been constructed.
- 1.06 The site has an extensive planning history which has been outlined above. Planning permission has been previously refused for single dwellings on the application site and in each case were also dismissed at appeal.

2.0 PROPOSAL

- 2.01 Outline planning permission, with all matters reserved except for access, is sought for the erection of a single dwelling with associated access and parking.
- 2.02 The access has already been constructed so that part of the application can be treated as retrospective.
- 2.03 The application has been submitted with a detailed Planning, Design and Access Statement, site location plan and a proposed site plan and elevation for illustrative purposes only. The illustrative plans show a two storey dwelling sited in line with the rear of Courtenay House and further to the rear of Dunkirk Farm.

- 2.04 The Planning, Design and Access Statement confirms, at paragraph 4.04 that there is *'opportunity to retain all important trees on the site and to provide landscape enhancements that will contribute to the framing of Courtenay House.'*
- 2.05 The agent has provided an additional response which is as follows:

'5 Year Housing Land Supply

During our call you advised that a single dwelling would not make a significant contribution to the supply of housing in the Borough. I would respectfully advise that it is the wrong approach. There are a number of benefits that follow from this particular single house development, which must be considered in the context of the National Planning Policy Framework.

The erection of a single dwelling does make a positive but limited contribution to the supply of housing and to local building services in the Borough and should be given weight to reflect this. Where the LPA cannot demonstrate an up to date housing supply, paragraphs 14 and 49 of the NPPF are enacted. These policies state where the LPA cannot demonstrate an up to date 5 year housing supply of site, the housing policies of Development Plan are out of date and applications should be assessed against policies set out in the NPPF and proposals should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

*It is incumbent of the LPA to find that the adverse impacts would **significantly** and **demonstrably** outweigh the benefits which is a high threshold, if it intends to refuse and this is, without doubt, a case where significant harm cannot be shown.*

The Principle of Development

During our conversation, you advised the principle of development is unlikely to be supported given the site is located outside the built confines of the village. To reinforce our own assessment, I draw to your attention a planning appeal at The Firs, Dunkirk Road South referenced in our Planning Statement (Paragraphs 6.24 to 6.26 and Appendix A) which sought outline consent for the erection of a detached single storey dwelling. The Planning Inspector, Christine Thorby found that;

"The proposal would provide a new house, to which I attach positive weight in helping to provide housing in the borough. In this case, the adverse effects would be limited and would not outweigh the benefits of the proposal. The scheme would, therefore, be sustainable development complying with the provisions of the NPPF when taken as a whole".

The Inspector concluded;

"There would be an additional house and access point which would increase the built form in the area, but having regard to my previous comments, I consider the impact to be small and the local character and appearance would not be unacceptably altered".

The Dunkirk Road South appeal site is in the same village as the proposed development and there are strong similarities between the application site and the appeal site. Both plots are located outside the settlement confines of Dunkirk Village, both have generous size plots capable of accommodating development without altering the character of the area. It is considered that the application site comprises a

more urban character and the proposed dwelling is appropriate within the loose grain of development in this part of the village.

The degree of harm for our proposal would be very limited and a building of the right design reflecting, for example, some of the traditional form and materials will be seen as contributing to the character of this part of the village. Other benefits, than just additional housing, flow with potential contribution to landscape character and ecology, framing of Courtenay House through appropriate tree planting and better screening of Dunkirk Farm bungalow.'

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.24 hectares	0.24 hectares	0
No. of Residential Units	0	1	+1

4.0 PLANNING CONSTRAINTS

Special Landscape Area

The Countryside

Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 5.01 Paras 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 32 (sustainable transport), 34, 47 (delivering a wide choice of high quality homes), 49, 50, 55, 56 (good design), 58, 69 (healthy communities), 70, 73, 75, 109 (conserving and enhancing the natural environment); 135 (non-designated heritage assets); 159 (housing), 162 (infrastructure), 186 (decision taking), 187, 196 (determining applications) & 216 (weight to emerging policies).

National Planning Policy Guidance (NPPG): Design; Natural environment; Housing and Economic Development needs assessment; Noise; Use of planning conditions; transport assessments and statements in decision taking; Water supply, light pollution; natural environment and neighbourhood planning.

Development Plan:

- 5.02 The Swale Borough Local Plan Adopted 2008, saved policies SP1 (sustainable development), SP2 (environment), SP3 (economy), SP4 (housing), SP5 (rural communities), SP6 (transport and utilities), SP7 (community services and facilities), FAV1 (the Faversham and the rest of Swale planning area), SH1 (settlement hierarchy), E1 (general development criteria), E6 (countryside), E9 (landscape), E10 (trees and hedges), E16 (scheduled ancient monuments), H2 (new housing), H3 (affordable housing), T1 (safe access) and T4 (cyclists and pedestrians).
- 5.03 The emerging Swale Borough Local Plan "Bearing Fruits" Main Modifications June 2016 – ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (Faversham

and Kent Downs strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP7 (natural environment), CP8 (conserving and enhancing the historic environment), DM7 (vehicle parking), DM14 (general development criteria), DM21 (water, flooding and drainage), DM24 (valued landscapes) and IMP1 (implementation and delivery plan).

- 5.04 SPD entitled *'The Swale Landscape Character and Biodiversity Appraisal'* September 2011

6.0 LOCAL REPRESENTATIONS

- 6.01 Four letters of objections have been received making the following summarised comments:

- The building would alter the open nature of the area immediately to the east of Courtenay House and garden
- Strong possibility of further development of this area cramming up with small piece of rural land
- There is no shortage of housing at the high end of the market
- Disruption caused by dust and noise during the construction phase of this scheme is unwished for
- Courtenay House is a country house in a country setting
- Courtenay House sits adjacent to 2 grade II listed buildings, the Old School and Christ Church adding to the characterful nature of the area
- The site used to form part of the garden of Courtenay House and has retained features of natural beauty in the form of woodland and large trees forming the characterful nature of the setting
- The owners have removed trees and plants altering the character of and exposing the area
- Amenity in the form of drains are already an issue
- The indicative plans provided with the application show a building that would be out of keeping with the general line of properties in this area
- The plot is considered too narrow to accommodate the size of the indicate two storey building
- Direct overlooking onto Dunkirk Farm Bungalow would be caused by this development
- The access sought is not acceptable and would cause noise disturbance

7.0 CONSULTATIONS

- 7.01 Dunkirk Parish Council has objected to the application on the following summarised grounds:

1. The site is located outside of the village envelope
2. The members were not against the possible residential use, but had a number of reservations with this particular scheme, albeit accepted that it is an outline proposal
3. Design was felt to be creative

- 7.02 Natural England have made the following comments:

'The above 3 consultations relate to proposals for new dwellings within the zone of influence (6km) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of

International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.'

7.03 Kent Highways and Transportation have made the following comments:

'It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.'

7.04 I am awaiting comments from the Council's Tree Consultant and will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application papers for application 16/507038/OUT

9.0 APPRAISAL

Planning Policy and the Housing Land supply position

9.01 For the purposes of the development plan, the site is located outside of the built confines of Dunkirk and falls to be considered as within the countryside. Saved policy E6 of the adopted local plan seeks to protect the quality, character and amenity of the countryside. Saved policy SP4 seeks to provide sufficient land for housing need, and saved policies SH1 and H5 of the adopted local plan seek to concentrate this in the Thames Gateway Planning Area, with limited development to meet local needs in the Faversham and rest of Swale area. Saved policy H2 of the adopted plan states that permission for new residential development will be granted for sites that are allocated or within defined built-up areas. Outside of these, new residential development will only be granted for certain limited exceptions.

9.02 The application site being outside of the built-up area boundary would be contrary to the above policies and not in accordance with the development plan.

9.03 The NPPF was published in 2012 and is a material consideration in the determination of planning applications. It sets out a presumption in favour of sustainable development. Paragraph 7 identifies three strands to sustainable development, an economic role (supporting the economy and growth), a social role (providing strong, healthy, accessible communities), and an environmental role (contributing to protecting our natural, built and historic environment). Paragraph 14 sets out that, for the purposes of decision taking, this means where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

9.04 Paragraph 47 of the NPPF seeks to significantly boost housing supply, and requires LPA's to meet full objectively assessed needs for housing in their area, and to identify

and update a supply of deliverable sites to provide a five year housing supply. Paragraph 49 of the NPPF sets out that policies for the supply of housing should be considered out of date if the LPA cannot demonstrate a 5 year supply.

- 9.05 Based on current Objectively Assessed Needs (OAN) for housing within the Borough, the Council cannot currently demonstrate a 5 year housing supply. Given this and that the above policies for housing delivery pre-date the OAN, they must be considered as out of date.
- 9.06 The emerging local plan has been through an Examination in Public, and following the Inspector's findings, the Council has sought to significantly boost its housing allocations to meet objectively assessed housing needs. A further examination will take place early next year with the Council seeking to demonstrate that it can meet its full identified housing needs and a 5 year supply. A number of policies within the emerging plan seek to deliver housing development in order to meet the OAN for housing in the Borough. These policies are ST1 (sustainable development including delivery of homes to meet OAN), ST2 (delivery targets), ST3 (Swale settlement strategy), ST4 (site allocations to meet OAN), and ST7 (Faversham area strategy to provide housing at allocations or other appropriate locations where the role and character of Faversham and rural communities can be maintained / enhanced).
- 9.07 The background evidence base on housing allocations has been endorsed by the Local Plan Inspector in her Interim findings as a sound basis for the council to deliver additional sites to meet OAN. On this basis, there is a high likelihood that the additional site options that will form the basis for discussion when the Examination in Public is re-opened, will be acceptable to the Inspector given the soundness of this evidence base.
- 9.08 Whilst the Council accepts that it does not currently have a 5 year supply of housing, it is working to rectify this through the allocation of extra sites through the Main Modifications Document to the emerging Local Plan and therefore the other policies within the emerging LP can now hold more weight. It has now published a paper on our 5 year housing land supply which will be tested through the LP Examination next January/February. This paper shows that there is strong progress towards the achievement of a 5 year housing land supply.
- 9.09 Paragraph 216 of the NPPF sets out that decision makers may give weight to emerging plans, depending on the stage of preparation of the plan (the more advanced, the greater the weight), the extent to which there are unresolved objections, and the degree of consistency of relevant policies to policies in the NPPF. Given the endorsements made by the Local Plan Inspector and despite outstanding objections to the new allocations proposed in the plan, I am of the opinion that the soundness of the evidence base means that material weight can be given to the emerging plan and demonstration of a five year housing supply, to be published in the near future.
- 9.10 When considering the NPPF, the test as to whether this application constitutes sustainable development and whether any harm arising from the proposal would significantly outweigh the benefits, the position of the emerging plan as set out above, should be taken into account.

Is the proposal sustainable development?

- 9.11 Within the Emerging Local Plan, Dunkirk is a fifth-tier settlement and is therefore ranked at the bottom in terms of where this Council wishes to direct new homes and jobs. As such when tackling the housing need in the Borough on a strategic level, this

Council has identified sites that would be far more sustainable i.e. those adjacent to the towns of Sittingbourne and Faversham and other much larger settlements. The Council is able to demonstrate through the housing allocations identified in the emerging local plan that there are many more sites within the borough that can meet the housing need in a sustainable way. The application site is therefore not necessary to meet the housing needs of this borough. Developing the application site for housing would be at odds with the strategic and sustainable approach to delivering housing that this Council has shown it can achieve through the emerging local plan (to be given significant weight). I therefore consider that the development would be unsustainable in this respect.

- 9.12 On a local level, it is my view that this development would not constitute sustainable development. Economically, the proposal would offer little benefit in terms of job creation and a boost to the local economy by introducing additional residents to the area who will hopefully support local businesses, as only a single dwelling is proposed.
- 9.13 In terms of the social aspect of sustainable development, though the proposal would provide one additional house in the area, as discussed above the emerging local plan demonstrates that the housing needs of this borough can be met in locations that are far more sustainable than the application site. Dunkirk and Boughton under Blean Parish Councils are currently in the early stages of producing a Neighbourhood Plan within which the housings need of the villages have been identified. Despite being in its early stages, the Parish Councils have identified other sites within their parishes for housing. The implication being that even at a local level, better, more sustainable, sites for housing can be identified. Members should though only attach very limited weight to this owing to the very early stages of the Neighbourhood Plan process.
- 9.14 The application site would be located in the settlement that has very limited amenities and use of the car is highly probable in order to access necessary services and facilities such as a doctor's surgery, primary and secondary schools. I acknowledge that there is a fairly frequent bus service to Canterbury and Faversham with a bus stop very close to the site. However, whilst it might make the site slightly more sustainable from a transport point of view, it does not mean that the application site is sustainably located.

Rural character and appearance/impact on Special Landscape Area

- 9.15 Saved policy E9 of the adopted Local Plan identifies the site as a Special Landscape Area. The applicant attempts to argue that this policy is 'out-of-date' as it relates to the supply of housing/precludes development. This argument is not accepted as the policy does not relate to the supply of housing but instead seeks to protect the special quality, character and amenity value of the particular landscape. Saved policy E9 can therefore be given significant weight. Within the Blean Woods Special Landscape Areas (SLAs), the priority is the long-term protection and enhancement of the quality of the landscape of these county assets, whilst having regard to the economic and social wellbeing of their communities. Saved policy E9 goes on to state:

"Within the countryside and rural settlements, the Borough Council will expect development proposals to:

- be informed by and sympathetic to local landscape character and quality;*
- consider the guidelines contained in the Council's Landscape Character Assessment and Guidelines Supplementary Planning Document, so as to contribute to the restoration, creation, reinforcement and conservation, as appropriate, of the landscape likely to be affected;*

- *safeguard or enhance landscape elements that contribute to the distinctiveness of the locality or the Borough;*
- *remove features which detract from the character of the landscape; and*
- *minimise the adverse impacts of development upon landscape character.”*

9.16 Policy DM24 of the Emerging LP identifies the site as an Areas of High Landscape Value (Kent and Swale Level). These areas are designated as being of significance to Kent or Swale respectively, where planning permission will be granted subject to the: conservation and enhancement of the landscape being demonstrated; avoidance, minimisation and mitigation of adverse landscape impacts as appropriate and, when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh harm to the Kent or Swale level landscape value of the designation concerned.

9.17 This particular landscape is identified within the Swale Landscape Character and Biodiversity appraisal (2011) (SPD) as falling within the “Woodland Landscape Types” category and the Blean Wood West character area. The landscape is described as follows:

“Deciduous woodlands are dominant on the higher ground and these include many areas of managed hornbeam and chestnut coppice....The domed high ground is dominated by ancient woodland...

This remains one of the most extensive semi-natural woodlands in the south east of England contained many varied habitats of national and international importance reflected in their designations. However, significant areas have been cleared to make way for horse related activities, grazing livestock and dairy farming....

This is an area largely enclosed by topography and woodland but views are present from the higher domed open grazing land...

The A2 divides the area north-south and immediately north of this major trunk road lays the main settlement of Dunkirk. This is a linear village located on the high grounds east of Boughton under Blean. Many of the residential dwellings of Dunkirk are of mixed vernacular character. Otherwise the area possesses a sense of remoteness, accessible only by quiet lanes. Settlement is limited to isolated farms and cottages, many dating back from 1800s are, built in brick and of a vernacular style.

At Dunkirk there are a number of structures that were part of a chain of radar stations that played an important roll in the Battle of Britain. These are Scheduled Ancient Monuments.”

9.18 The SPD concludes that the Western Blean woodland character should be “conserved and reinforced”. Importantly, it recommends conserving the woodland fringe which provides the unique interface between open and wooded area and conserve the largely undeveloped and heavily wooded character of the landscape which forms part of the wider Blean Woods complex.

9.19 The site and the proposed new dwelling would be visible from Canterbury Road. There is no doubt, in my view, that the presence of buildings on this site will have a significant impact on the character of the landscape. It is important to pay regard to the previous appeal decisions which dismiss proposals for a single dwelling on this site.

- 9.20 Though the indicative plans show some landscaping I do not consider that this soft landscaping would go far enough to reduce the harm that I have identified to the Special Landscape Area.

Residential amenity

- 9.21 The proposal is in outline form only, except for the access arrangement, and so the impact on existing local residents in terms of overlooking and overshadowing cannot be fully known at this stage. In terms of noise from the residential use of the site, I do not consider that there would be any harmful increase in this respect.

Impact on the surrounding area

- 9.22 It is important to consider the impact on Courtenay House which, although it is not a designated heritage asset or indeed in a conservation area, is an imposing building of some architectural distinction in an important position along London Road in the particular area in which it is located. This building is set well back from the road and with its architectural style, historic form and bold white rendered finish, set amongst a dark setting of matured trees. This whole visual effect is reinforced by an attractive open grassed frontage space and a visually dominant driveway access into and around the frontage with two access and egress points at both the west and east ends. Overall it is a building worthy of being defined as an important non-designated heritage asset in the area and as such forms an important part of the scheme appraisal. I acknowledge that there are a number of buildings in the wider vicinity around Courtenay House but the primary character and appearance of the overall environment is a spacious one and an area combined with considerable matured landscaping.
- 9.23 This spatial environment associated with, what is, a very large building, which includes Courtenay Cottage positioned at an awkward angle close to the north-west corner of the building, has been an important setting context for the main house. This is particularly in regards to the frontage space with its imposing driveway arrangement set well back from London Road.
- 9.24 The proposed new access drive from the London Road main driveway access point, a design, totally out of character with the main house and is alien in design to the character of the driveway formation of the site. This general intervention of an additional driveway to the house and the driveway itself, is not only a confusing driveway design, especially with a turning area close to the south-east corner of Courtenay House, separated from the main driveway by a post and rail fence arrangement and with the proposed future new house is an alien development in my view and one which in my view definitely harms the setting of the non-designated Heritage Asset that Courtenay House clearly is.
- 9.25 Overall I am firmly of the view that any dwelling on this plot would have a significant detrimental impact on Courtenay House, a non-designated heritage asset, of which there are only a few located in Dunkirk, making it even more important to protect this setting.
- 9.25 Whilst this is the recommendation, one further matter deserves comment. This site is within 6km of The Swale SPA meaning that additional recreational pressure can be expected from the creation of any new dwellings in close proximity to the seawall footpath/dog walking routes. Accordingly, an adverse effect on the Habitats of the SPA can be expected without adequate mitigation. The Council is committed to the Natural England backed Strategic Mitigation (SAMM) strategy which seeks financial

contributions for mitigation from all new housing in this area, albeit the Council's own approach is not to seek contributions from schemes of less than 10 dwellings. This approach is not what Natural England prefer and as a refusal it may ultimately be for an Inspector to decide if that is appropriate in this case – and if he/she finds it inadequate no planning permission should be granted unless that SAMM contribution (currently £223.58 per dwelling) is paid and spent on mitigation before the house is occupied. Otherwise the decision could be considered to be a breach of Habitat regulations.

10.0 CONCLUSION

10.01 This outline application seeks permission for housing development on land outside of the built-up area boundary of Dunkirk. Saved policies within the adopted Local Plan that relate to the supply of housing are considered to be out of date for the purposes of paragraph 14 of the NPPF. As such, there is the presumption in favour of sustainable development unless harm is identified that would significantly and demonstrably outweigh the benefits. The weight attached to the benefits of the proposal will be affected by the progress of the emerging local plan towards demonstrating a five year housing land supply. It is my strong view that this Council can now attach significant weight to the policies within the emerging local plan that relate to housing land supply due to its advanced stages in the examination process.

10.02 The benefits of the proposal can be identified as economic and social as discussed above. However, it is argued that these benefits can be given less weight given the status of the emerging local plan. In addition, the harm to the environment as set out above, specifically the character and amenity of the landscape, impact on the setting of Courtenay House significantly and demonstrably outweighs the benefits. It is my view that this development does not constitute sustainable development and should therefore be refused.

11.0 RECOMMENDATION – REFUSE for the following reason:

REASON

1. The proposed development would be located outside of the defined urban boundaries of Dunkirk (as established by Local Plan saved policy SH1 and Emerging Local Plan Policy ST3 which place emphasis on the use of previously developed land within the defined built up areas and on sites allocated by the Local Plan) and is not proposed as an allocated housing site within the emerging local plan. The proposed development would detract from the intrinsic value, tranquillity and beauty of the countryside, the quality and character of the landscape which is designated as being within a Special Landscape Area and the historic character of Courtenay House, a non designated heritage asset. Given the advanced status of the emerging plan, the allocation of further sites to meet objectively assessed housing needs for the Borough, and the progress made by the Council in achieving a 5 year housing land supply as part of the local plan process, the development of this site is unnecessary and the harm it would cause, as identified above, would significantly and demonstrably outweigh the benefits of the development and would fail to result in a sustainable form of development. This would be contrary to saved policies SP1, SH1, E6 and E9 of the Swale Borough Local Plan Adopted 2008; policies ST1, ST3, ST7 and DM24 of the emerging Swale Borough Local Plan "Bearing Fruits 2031" (Proposed Main Modifications June 2016), and the National Planning Policy Framework and Paragraph 135 of the National Planning Policy Framework.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.