

REFERENCE NO - 14/504246/OUT		
APPLICATION PROPOSAL Outline application for the erection of a detached single storey dwelling, creation of a new access, construction of driveway and associated works.		
ADDRESS Land Adjoining The Firs Dunkirk Road South Dunkirk Kent ME13 9PD		
RECOMMENDATION - Refusal		
REASON FOR REFERRAL TO COMMITTEE: Parish Council support		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr And Mrs P Stevens AGENT Mr David Stewart
DECISION DUE DATE 25/12/14	PUBLICITY EXPIRY DATE 25/12/14	

1.0 DESCRIPTION OF SITE

- 1.01 The site is situated in a rural location, south of the Boughton bypass, along a quiet lane. The area is noted for sporadic development, with properties being fairly isolated and generally situated within large plots. The site in question forms a large plot within the joint ownership with an existing dwelling, and is situated outside any built-up area boundary.

2.0 PROPOSAL

- 2.01 This is an outline application for the erection of a new detached, single-storey dwelling, the creation of a new access, driveway and associated works. Although the accompanying application form states that the proposal is outline with all matters reserved, drawings showing layout, scale and access accompany the proposal.
- 2.02 The proposal is for a three bedroom single storey dwelling. Indicative drawings accompanying the application suggest that the dwelling would be of contemporary design and appearance.
- 2.03 The application is accompanied by a Design and Access Statement, which concludes that, in the agent's opinion, the proposal constitutes sustainable development; is not isolated development; as in accordance with the adopted Local Plan; that the Local Plan is a 'dated document' and therefore carries 'little weight'; and that the Council fails to provide a five year housing supply.

3.0 SUMMARY INFORMATION

- 3.01 None

4.0 PLANNING CONSTRAINTS

4.01 Outside built-up area boundary.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Swale Borough Local Plan 2008: Policies E1, E6, E19 and H2.

6.0 LOCAL REPRESENTATIONS

6.01 One email of objection has been received from a local resident who, whilst not raising specific objection to the proposed property, is concerned that it would set a precedent for further development within the area.

7.0 CONSULTATIONS

7.01 Dunkirk Parish Council supports the application, but has given no reasons for its support.

7.02 Kent Highways Services raises no objection, subject to conditions.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Application Papers and drawings referring to 14/504246/OUT.

9.0 APPRAISAL

9.01 The main issue is whether the proposed new dwelling would accord with development plan policy regarding development in the countryside.

9.02 The National Planning Policy Framework (NPPF) was released on 27th March 2012 with immediate effect, however, para 214 states *“that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

9.03 When the 12 month period noted above had expired. It was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This was carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited within this report are considered to accord with the NPPF and as such, these policies can still be afforded significant weight in the decision-making process. Therefore, the agent’s assertion that the present Local Plan policies carry little weight is clearly in error.

9.04 The National Planning Policy Framework (NPPF) at its heart is to achieve sustainable development.

9.05 The NPPF states that one of the core planning principles shall be to *“take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them,*

recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

9.06 In respect of housing in the Countryside, the NPPF states that

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (amongst other things):

- *The essential need for a rural worker to live permanently at or near their place of work in the countryside*
- *Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*
- *The exceptional quality or innovative nature of the design of the building.*

9.07 In the context of this case the adopted Swale Local Plan Policies E1 (General Development Criteria), E6 (The Protection of the Countryside) apply, and guide us as to what is considered acceptable development. Due to the location of the site within the countryside and the nature of the proposal there is clear and long established policy by which we can determine the application.

9.08 Policy E6 of the Local Plan is most relevant and deals with the issue of rural restraint and explains that *"the quality, character and amenity value of the wider countryside of the Borough, will be protected and where possible enhanced."* There is a presumption against development and housing proposals will only be permitted in specific circumstances, including when it is demonstrated to be necessary for agriculture etc, it is the re-use or adaptation of an existing rural building, it relates to the acceptable rebuilding, or modest extension, of a dwelling currently in residential use in accordance with Policy RC4, is a site for affordable housing in accordance with Policy RC3; or is a site for gypsies or travelling showpersons in accordance with Policy H4 or it is a site allocated in the Local Plan.

9.09 The proposal is to build a new residential property and as none of the above criteria applies to the proposal there is a fundamental policy objection to this proposal. I note the support of the Parish Council, but as there is a fundamental policy objection to the principle of a residential dwelling on the site the detail of the scheme does not need to be considered further.

9.10 I take exception to the suggestion within the Design and Access Statement that the 2008 Local Plan carries 'little weight', which is particularly ironic when considering that the same statement quotes from that plan. The same statement also refers to appeal decisions in Norwich and Maidstone, which I

would counter with a recent decision which actually refers to Swale. Members will recall a recent refusal for a new property at 'Acorns', Butlers Hill, Dargate, which was subsequently refused at appeal under reference APP/V2255/A/14/223979. This appeal was refused due to the unsustainability of the site, outside the built-up area boundary; an argument which is central when determining the present application.

- 9.11 I also note the assertion that the Council does not have a five year housing supply. Whilst this is not incorrect, the erection of a single dwelling outside the built up area boundary would not make a serious contribution to any such shortfall.
- 9.12 In conclusion, this proposal to build a residential dwelling on this site would conflict with the development plan aim of restricting undesirable development in rural areas and to protect the countryside for its own sake. No evidence has been submitted to demonstrate that any of the above policy criteria apply or why the usual rural restraint policies should be relaxed and residential use accepted in this case.

10.0 CONCLUSION

- 10.01 As the proposal is clearly contrary to local and national policies of rural restraint, I have no option but to recommend that the proposal be refused.

11.0 RECOMMENDATION – REFUSE for the following reasons:

1. The proposal to build a residential dwelling would conflict with the development plan aim of restricting undesirable development in rural areas and to protect the countryside for its own sake and will be harmful to the natural beauty of the Kent Downs Area of Outstanding Natural Beauty. No evidence has been submitted to demonstrate that any of the policy criteria apply or why the usual rural restraint policies should be relaxed and residential use accepted in this case. The proposal is therefore contrary to policies SH1, TG1, E1, E6, E19, H2 and RC7 of The Swale Borough Local Plan 2008.

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 to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

It is noted that the applicant/agent did not engage in any formal pre-application discussions.

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.