

Def Item 2 REFERENCE NO - 19/503511/FULL		
APPLICATION PROPOSAL		
Retrospective application for a new front wall with driveway access from main highway (Plough Road).		
ADDRESS Cripps Farm Plough Road Minster-on-sea Sheerness Kent ME12 4JH		
RECOMMENDATION – Refuse		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL		
The site is located outside of the built-up area boundary where countryside constraints apply. The development has an unsympathetic and incongruous presence that would detract from the intrinsic character and beauty of the surrounding countryside.		
REASON FOR REFERRAL TO COMMITTEE		
This application was originally deferred by the Planning Committee on 28 th May 2020		
WARD Sheppey East	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT D.Buckley Limited AGENT Deva Design
DECISION DUE DATE 25/10/19		PUBLICITY EXPIRY DATE 26/10/20
RELEVANT PLANNING HISTORY		
22/501078	Retrospective application for a change of use of agricultural land to residential and erection of detached double garage.	Refused 22/06/22
19/502305/FULL	Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension, loft conversion and detached triple garage to rear (Resubmission to 19/500129/FULL)	Approved 06.09.2019
19/500129/FULL	Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension and two detached two storey triple garages.	Refused Decision Date: 02.05.2019
SW/98/0554	Outbuildings comprising a wildlife shed a storage shed and a garage/hobby shed.	Grant of Conditional PP
SW/98/027	New vehicle access, conversion of barn to dwelling at Crips Farm (Amendments to approved scheme)	Grant of Conditional PP
SW/98/0163	Replacement dwelling	Grant of Conditional PP

1. INTRODUCTION

- 1.1 This application was previously reported to the Planning Committee on 28th May 2020, with a recommendation for refusal. Members resolved to defer the application to enable clarification of matters relating to land ownership to the front of the wall and whether sufficient space was available to provide landscaping to the front and side of the wall to

soften its appearance. This item has been prepared following the submission of further plans earlier this year by the applicant.

- 1.2 The original report is appended to this report as Appendix A

2. Plans/Additional Information as submitted

- 2.1 54210044 Highways Definition Plan
- 2.2 Plan & Elevations Plan No De/512
- 2.3 Land Registry Plan
- 2.4 Cripps Farm Plan
- 2.5 Boundary Wall as Existing No. CF2105.W01
- 2.6 Boundary Wall as Proposed No. CF2105.W02

Land Ownership

- 2.7 A Highway Definition Plan was obtained by the applicant from KCC Highways. The plan is printed at a scale of 1:1250 and indicates in blue the extent of the publicly maintainable highway in the vicinity - as far as can be ascertained from the County Council's existing records.
- 2.8 An advisory is included with the information that where there is a bank which supports the adjoining land rather than the highway, the highway boundary would be considered to extend to the toe of the bank; and where there is a bank which supports the highway rather than the adjoining land, the highway boundary would be considered to extend to the toe of the bank.
- 2.9 Whilst title deeds can show ownership of an area, if the said area is considered to form part of the publicly maintainable highway then the surface is vested in the County Council as Highway Authority. The surface would be under the Highway Authority's control and the land should not be occupied while it remains open to the public.

Landscaping

- 2.10 The applicant has provided Plan No CF2105.W02 which defines an area in red immediately forward of the boundary wall which is owned by the applicant and the plan annotates an area of landscaping and possible planting options.

3. Consultations

- 3.1 KCC Highways (06.04.2022) – No objection, subject to control over the height of any landscaping.

I note the proposed amendments to this application, namely the provision of hedging and timber sleepers to the front of the new boundary wall.

The proposed hedging would be acceptable, and should be conditioned so that it is maintained to a height no higher than 1.05m, to ensure visibility for drivers is maintained when exiting the property.

The timber sleepers as demonstrated on the submitted plans are acceptable. Previously the timber supports had been installed in front of the sleepers and adjacent to the carriageway edge and the applicant was advised this was not acceptable. A Highway Officer has since visited the site, and the supports have now been installed as demonstrated on the submitted plans CF2105.W02.

The wall and driveway in question have been investigated by our highway engineers and we are satisfied that the proposed presents no concerns from a highways safety perspective, with the new alignment offering no detriment to the available visibility splay at the access. Consequently, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- Provision of measures to prevent the discharge of surface water onto the highway.*
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.*
- Any gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway.*

4. Appraisal

- 4.1 Members will note that this application was originally recommended for refusal due to the harmful impact of the boundary wall on the character and appearance of the surrounding rural area. Although the applicant has provided further clarification regarding land ownership and the provision of landscaping, I remain of the view that the development is unacceptable. However the paragraphs below explore the potential for further screening of the wall, which Members had inferred in 2020 could make the scheme acceptable to the committee.
- 4.2 The applicant has provided additional information with regards to land ownership and potential for landscaping. A small strip for landscaping is available along the frontage of the wall, measuring between 235mm and 590mm in depth, and contained within timber sleepers. KCC Highways are satisfied that the sleepers as erected are acceptable in highways safety terms, and advise that any landscaping should be controlled to be no greater than 1.05m in height, to avoid any visibility issues.
- 4.3 As such, there is space available, albeit a small provision, within the applicants ownership to provide an area of landscaping fronting the highway. However given the limited depth available for planting and the need to limit the height of the landscaping on highways safety grounds, I do not consider that this would sufficiently screen or soften the boundary wall as built, and I remain of the view that the wall is unacceptable. I also note that there does not appear to be any land available and within the applicant's ownership to the side of the wall for additional screening to be secured.
- 4.4 Notwithstanding my view and recommendation, if Members were minded to approve the application, I would recommend that conditions are included to secure full landscaping details, the provision and retention of visibility splays with no obstruction above 1.05m and other conditions as recommended by KCC Highways.

5. CONCLUSION

- 5.1 In view of the above, it remains my opinion that the proposal is unacceptable. I therefore recommend that the application be refused.

6. RECOMMENDATION

Refuse for the following reason

- (1) The boundary wall due to its height, bulk, design and materials would represent unjustified and incongruous form of development within the countryside which falls to harmonise with its countryside setting, to the detriment of the appearance of the streetscene, and intrinsic character and beauty of the surrounding countryside. As such, the development would be contrary to policies CP4, ST3, DM11 and DM14 of "Bearing Fruits 2031: The Swale Borough Local Plan (2017)

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

