

**APPENDIX A**

Report to Planning Committee 28 May 2020

Item 3.1

**PLANNING COMMITTEE – 28 MAY 2020****PART 3**

Report of the Head of Planning

**PART 3**Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 19/503511/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective application for a new front wall with drive way access from main highway (Plough Road).		
<b>ADDRESS</b> Cripps Farm Plough Road Minster-on-sea Sheerness Kent ME12 4JH		
<b>RECOMMENDATION</b> - Refuse		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> 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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Beart		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> D.Buckley Limited <b>AGENT</b> Deva Design
<b>DECISION DUE DATE</b> 25/11/19	<b>PUBLICITY EXPIRY DATE</b> 21/11/19	
<b>RELEVANT SITE HISTORY</b>		
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 - 02.05.2019
SW/98/0554	Outbuildings comprising a wildlife shed a storage shed and a garage/hobby shed.	Approved – 31.07.1998
SW/98/0273	New vehicle access, conversion of barn to dwelling at Crips Farm (Amendments to approved scheme)	Approved – 20.05.1998
SW/98/0163	Replacement dwelling	Approved – 24.04.1998

**1. DESCRIPTION OF SITE**

**APPENDIX A**

Report to Planning Committee 28 May 2020

Item 3.1

- 1.1 The application site comprises of a rectangular parcel of land located on the north side of Plough Road. The site identified in red on the location plan has an area approximately 0.22ha, however it also forms part of the larger Cripps Farm site, identified in blue and which spreads along the north and eastern boundary of the adjacent property Appleyard Barn.
- 1.2 The site comprises of a large modern detached dwelling set back from Plough Road by approximately 15m. Alteration works are currently underway at the property and this includes the construction of a large two storey side extension, recently approved under planning application Ref: 19/502305/FULL dated 06.09.2019
- 1.3 The surrounding area forms part of the open countryside as defined by the Local Plan. Appleyard Barn a detached dwelling lies approximately 25 metres to the east of the application property with open agricultural land to the west and north of the site. On the opposite side of the road but obscured from view is the residential development of Kingsborough Manor.

**2. BACKGROUND**

- 2.1 The original building at the site was a small cottage which was replaced following the grant of planning permission under application reference number SW/98/0163. This permission included a planning condition restricting further enlargement of the new dwelling in view of the Council's rural restraint policies.
- 2.2 A subsequent application for a two storey side and rear infill extension, including the demolition of an existing garage and replacement triple garage (ref: 19/500129/FULL) was approved by the Planning Committee in September last year.

**3. PROPOSAL**

- 3.1 Retrospective planning permission is now sought for the retention of a new front boundary wall. The wall is of red brick construction broken every 5m with column plinths and decorative black iron detail surround. A single row of wooden sleepers have been placed on the ground immediately in front of the boundary.
- 3.2 The wall runs across the front southern (roadside) boundary of the site for approximately 38m. The existing vehicle access has been retained and is framed on both sides by the boundary wall for 9.5m. Along the west side of the site the boundary has a length of approximately 20m which wraps around at the rear by 12m and meets in a central position with the side flank wall of the dwelling. The height of the wall varies significantly due to the change in level of the road. The height at the south-eastern corner is 2m and this rises to 3.5m at the south-western corner.

**4. PLANNING CONSTRAINTS**

- 4.1 Located in the countryside outside of any defined built up area boundary.
- 4.2 The site lies in an area of Potential Archaeological Importance.

**APPENDIX A**

**5. POLICY AND CONSIDERATIONS**

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 118, 124, 128, 130,131, are relevant.
- 5.2 Development Plan: The Swale Borough Local Plan 2017: Policies CP4 DM14 and DM26

**6. LOCAL REPRESENTATIONS**

- 6.1 No representations received following public consultation

**7. CONSULTATIONS**

- 7.1 Minster Parish Council objects to the application on the grounds that the wall appears to be very intrusive due to its height in the rural setting. There is further concern that the proposal is not in keeping with the surrounding countryside and about its impact on visual amenity. Clarification is requested as to whether the scale and height of the wall meets planning regulations.
- 7.2 Natural England (summary of comments)

Natural England has a duty to align the English Coast Path (ECP) around the whole of the English Coast. The ECP is a new National Trail and is currently being developed in Sheppey. Plough Road is a complex area for aligning the coast path. It has been the intention to propose the coast path alignment along the northern verge of Plough Road, adjacent to the application site. Kent Highways correspondence with Swale Borough Council indicates that the verge may have been part of the highway.

The new wall prevents the provision of a suitable width verge here. As a consequence an alternative route is proposed through the fields seaward of Plough Road, which will affect landowners, including the applicant themselves.

The preferred option for the England Coast Path would be to create a safe verge alongside Plough Road in this location, which would be sought if the space was made available in the future.

- 7.3 County Archaeological Officer – No objection
- 7.4 Kent Highways and Transportation – No objection (summary of comments)

The wall and driveway in question have been investigated by both our highway engineers and KKC Transport Officer 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.

In the event of an Approval the following Safeguarding conditions are advised:

**APPENDIX A**

Report to Planning Committee 28 May 2020

Item 3.1

- 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

**8. BACKGROUND PAPERS AND PLANS**

8.1 Application papers and correspondence for 19/503511/FULL, 19/502305/FULL, 19/500129/FULL, SW/98/0554, SW/98/027 and SW/98/0163

**9. APPRAISAL**

9.1 The application site lies outside of any defined built up area boundary within the designated countryside where policies of rural restraint apply.

9.2 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development and advises that permission should be refused for development of poor design that fails to improve the character and quality of an area.

9.3 ST3 sets out the settlement hierarchy within the Borough, with sites lying in the countryside being within the least desirable tier for development:

*“5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”*

9.4 As such, I consider the main issues for consideration most relevant are the site’s prominent location outside of the built-up area boundary, the visual impact of the proposed development on the character and appearance of the countryside, together with any adverse harm to highway safety.

Visual impact and impact on the character and appearance of the countryside

9.5 The applicant has provided photographic evidence to show that the height of the wall is consistent with the original boundary. These photographs show a low rise timber fence with a highly vegetated verge including a number of trees around the site entrance, all of which have since been removed. Furthermore, they also demonstrate that this is not

**APPENDIX A**

Report to Planning Committee 28 May 2020

Item 3.1

a like for like replacement. The original boundary was typical of a height, material and type sympathetic to its countryside setting.

- 9.6 I note the proximity of the site to Kingsborough Manor opposite, however, this not visible from this section of the road side and, based on different site constraints of both sites I do not consider the sites to be comparable in this instance. I do however note that Plough Road is in part a designated Rural Lane and that this designation begins only 21m east of the site boundary outside the neighbouring property. In my opinion the character of a rural lane is pertinent to this countryside setting and the introduction of a high redbrick wall with decorative columns appears is an incongruous and unsympathetic addition to the detriment of the character and appearance of this countryside setting.
- 9.7 In matters relating to the visual impact, there is a sharp change in levels, with the road falling away steeply to the west. As a result the height at this south-western corner is 3.5m above road level. This has resulted in a vast, bulky and visually dominant structure particularly on the approach eastwards toward the designated Rural Lane. In my opinion, the cumulative impact of the boundary in terms of its height, excessive bulk, design and choice of materials results in an incongruous, overbearing and dominant addition which falls to sympathise with this natural setting to the detriment of the appearance of the streetscene and character and appearance of countryside.

#### Highways

- 9.8 Regarding matters relating to highways, during the course of the application concerns were raised in relation to the 2m encroachment on to the highway, realignment of the existing access and possible obscuring of views due to the built form of development.
- 9.9 The original access is shown with a wider entrance and with curved boundary lines, affording a softer approach and greater visibility onto the highway. This has been replaced with a narrower access which is bounded by a solid brick wall with a 90° angle at the point of access. Notwithstanding this, a Kent Highways Inspector has visited the site and is satisfied with the levels of visibility, and that the proposal does not result in harm to highway safety. As such, no objection is raised from a highway perspective, subject to the provision of conditions as set out below.

#### Other matters

- 9.10 Regarding the scale of development, there has been some speculation that the development has encroached onto the public highway and that the original verge has been lost. This is consistent with the view of Natural England given their intention to use this verge to create England Coastal Path (ECP). In this regard the existing plan does show the site of the new boundary 2m forward of the original boundary line. However, the applicant maintains that this area is within his ownership as outlined in red on the site location plan.

**APPENDIX A**

Report to Planning Committee 28 May 2020

Item 3.1

9.11 I note the comments of Natural England. However, the provision of the coastal path is a separate legal matter and not a matter to which I feel great weight should be given in the consideration of this scheme; especially as the final route is not yet determined and may in fact depend on the outcome of the application.

**10. CONCLUSION**

10.1 I conclude that the development causes significant harm to the character and appearance of the countryside and the visual amenities of the streetscene. I therefore recommend that planning permission is refused.

**11. RECOMMENDATION - REFUSE** for the following reason:

- (1) The boundary wall due to its height, bulk, design and materials amounts to unjustified and incongruous development within the countryside which fails to harmonise with its countryside setting, harmful to the character and appearance of the streetscene, and intrinsic character and beauty of the surrounding countryside. The development is contrary to policies CP4 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), February 2019 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.

**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.

APPENDIX A

