

TABLED UPDATE FOR PLANNING COMMITTEE 10/11/2022

PLANNING WORKING GROUP ITEM

22/502340/OUT – Land adjacent to Westfield Cottages, Breach Lane, Lower Halstow

Following deferral at the last Planning Committee, the applicant has reduced the application site area to incorporate a smaller area of land to the north of the existing building on the site. The proposal remains for a single dwelling and car port / garage.

This amendment does not materially affect the assessment set out in the main report or the recommendation.

ITEM 3.1

20/505046/FULL - High Hopes, Poot Lane, Upchurch

The applicant has confirmed that their client would be willing to make the SAMMS payment that forms refusal reason 2. However as this has not actually been paid, this reason should still be included if members agree with the officer recommendation.

A ward member has asked for the definition of an isolated dwelling in the countryside (paragraph 80 of the NPPF) to be clarified in light of the court case *Braintree District Council v Secretary of State for Communities and Local Government & Ors (2018)*.

This case related specifically to a challenge against the way in which an Inspector had applied paragraph 55 (now 80) of the NPPF in allowing a scheme for 2 dwellings outside of a village settlement in Essex. The Inspector considered that there were a number of dwellings nearby and that the development would not result in isolated new dwellings in the countryside under the NPPF. There were also other factors considered by the Inspector, including the removal of existing buildings of similar footprint, and a significant shortfall in housing supply.

The Court determined that the word isolated should be applied in physical terms, i.e in the sense of being isolated from a settlement. In this instance, the Inspector had taken account of the location of the site to the north of a recognisable village and with other dwellings nearby – and was entitled to conclude that the development would not result in isolated new homes in the countryside to which paragraph 55 (now 80) of the NPPF refers. When assessing the proposal on its planning merits, applying the tilted balance and three dimensions of sustainable development, the Inspectors approach could not be faulted.

It is important for Members to acknowledge that this application is not for new dwellings, but is an application for holiday homes. In my opinion, it is more appropriate to consider the application against paragraph 84-85 of the NPPF, rather than paragraph 80 (although I accept that reference to this part of the NPPF is rather unhelpfully included in the Policy section of the committee report under paragraph 4.1). Notwithstanding this, the report makes clear that there is existing development in the area - although it is predominantly rural in character and appearance – and the site is not truly isolated in this context. Nonetheless, in weighing up all relevant planning considerations, it is considered that the harm to the countryside and absence of evidence to demonstrate viability and an identified need for the development, together with the location of the site significantly outweighs the benefits of the development.

My recommendation remains unchanged.