

2.2 REFERENCE NO – 25/500935/FULL		
PROPOSAL - Erection of 1 No. two storey 4 bedroom detached chalet style residential dwelling		
SITE LOCATION - Land Rear of The White House, Eastling Road, Eastling, Kent ME13 0AN		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions as may be necessary and appropriate.		
APPLICATION TYPE – Full (Minor)		
REASON FOR REFERRAL TO COMMITTEE – Objection from Eastling Parish Council including a request for the item to be presented to the Council's Planning Committee.		
Case Officer – Ian Harrison		
WARD East Downs	PARISH/TOWN COUNCIL Eastling	APPLICANT Hadley Polhill and Prentis Polhill AGENT Alpha Design Studio Limited
DATE REGISTERED – 11/03/2025		TARGET DATE – 11/11/2025
BACKGROUND PAPERS AND INFORMATION: The full suite of documents submitted and representations received pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SSQTP5TYKLR00		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located to the west of Eastling Road, within the defined built-up area boundary of Eastling. The site is within the Kent Downs National Landscape (NL) which was formerly known as the Kent Downs Area of Outstanding Natural Beauty.

- 1.2. The primary part of the site measures approximately 600 square metres and is connected to Eastling Road by a track that measures approximately 5.2 metres wide and 30 metres long. Gates currently sit within the access track part of the site, being set back from the highway by a minimum of 6.7 metres according to the submitted plans.
- 1.3. The primary part of the site is bordered by trees and other vegetation, with the centre being clear of any features other than grass. The site is generally flat. The access track continues along the northern part of the site, extending to the north west corner where it continues on to the property of The Polhills, which is shown to be in the ownership of the applicant.
- 1.4. To the north of the site are the properties of 23 to 26 inclusive (odds and evens) Glebe Cottages. The properties of 22 and 23 Glebe Cottages are orientated with their rear elevation facing south west and so the side elevation of 23 also faces the application site, with the closest corner being approx. 5.6 metres from the site. The other Glebe Cottages that are mentioned above have their rear elevation facing the site, with the closest to the site being approx. 9.3 metres from the site.
- 1.5. To the east, is the property of The White House which has its rear elevation facing the primary part of the application site and its side elevation facing the access track part of the site. The rear part of the dwelling, excluding a single storey projection at the side and rear, is within approx. 9.6 metres of the shared boundary and the side elevation is approx. 1.5 metres from the access part of the site.
- 1.6. To the south of the site is the property of 13 Meeson's Close. The side elevation of that dwelling faces the application site and is approx. 6 metres from the shared boundary.

2. PLANNING HISTORY

- 2.1. None

3. PROPOSED DEVELOPMENT

- 3.1. The applications seeks planning permission for the erection of a single dwelling at the application site. The dwelling would have accommodation over two floors, with the first floor accommodation being within the roofspace of the building.
- 3.2. The main two storey part of the building would measure approx. 12.1 metres by approx. 7.3 metres with an overall height of approx. 6.5 metres. Two dormers and a rooflight are proposed on the north west (rear) elevation, a high level rooflight is proposed on the south east elevation and a first floor window is proposed in the north east gable end.
- 3.3. At the south east corner, would be a single storey projection that would measure a maximum of 8.5 metres by approx. 5.2 metres with a maximum height of approx. 4.8 metres.

- 3.4. Vehicle and pedestrian access to the site would be obtained through the use of the existing access point and three parking spaces are proposed to the north and east of the dwelling. A cycle store is proposed to the rear of a dwelling, within the garden area which would be enclosed by a low fence.
- 3.5. One group of trees and three individual trees are shown to be removed but each of these are of lower quality, being graded C1 or U within the applicant's Arboricultural Impact Assessment.

4. REPRESENTATIONS

- 4.1. One round of consultation has been undertaken, during which letters were sent to most neighbouring properties and a notice was displayed at the application site. Full details of representations are available online.
- 4.2. It is noted that, whilst all other adjoining properties appear to have been notified of the application, The White House was not sent a notification letter. However, the statutory requirement to publicise the application has been met through the posting of a site notice and it is noted that two submissions have been received from the occupier of that property, indicating that they have become aware of the application and able to comment even without receiving a letter. In addition, the Case Officer has spoken to a resident of the dwelling and discussed the application. Not sending a letter is unfortunate, but it is considered that adequate publicity has occurred to meet statutory requirements and enable the application to be determined without prejudicing the ability for interested parties to comment on the proposal.
- 4.3. Nine letters of representation objecting to the proposal were received. Concerns and comments were raised in relation to the following matters:

Comments	Report reference
The proposed backland development does not respect existing development patterns and is out of character with the area. The development would be cramped and contrived, visible and not well designed.	Section 7.5
The proposal would set a harmful precedent.	Paragraph 7.11.3
Overlooking and loss of privacy within neighbouring properties.	Section 7.9
The access route is inadequate and unsafe and there would be unacceptable additional traffic.	Section 7.8
Inadequate parking provision and turning areas.	Section 7.8
Noise and disruption would be caused by the use of the proposed gravel access, the movement of vehicles and general activity by residents as well as during the construction process. This would be harmful to human residents and pets	Section 7.9
Light pollution to the detriment of the area and living conditions.	Section 7.9 and Condition 12
Unacceptable loss of trees, hedgerows, open space and green buffer between dwellings.	Section 7.6

Pressure to remove or undertake works to trees to ensure continued living conditions of acceptable standard.	Section 7.6
Harm to biodiversity.	Section 7.7
The site was cleared prior to the BNG Assessment being undertaken and, as such is not reflective of the actual situation.	Section 7.7
Overdevelopment of the site.	Section 7.5
A dwelling is not needed within the village.	Paragraph 7.2.8
There is development at Perry Court which should meet any current demand for four bedroom housing.	Paragraph 7.2.8
Backland development would be harmful to the AONB (National Landscape).	Section 7.4
The proposal would not be of benefit to the community.	Paragraph 7.11.4
The development would reduce natural drainage offered by undeveloped land and pose a flood risk.	Paragraph 7.11.1
Potential for works to impact trees which could then damage nearby properties.	Section 7.6
Backland housing development is contrary to development plan policy.	Paragraph 7.5.2
The proposed new trees would cause shading and light obstruction to the detriment of residential amenity and shed seeds which would represent a nuisance.	Section 7.9
The living conditions for future residents would be inadequate in terms of outlook and amenity space.	Section 7.9
Unsustainable location for development due to the village only being served by one public house and one bus route. Therefore, future occupiers will be reliant on access to a car for day to day activities.	Paragraph 7.2.7
No site notice was posted and some residents of the area did not receive notification letters.	Paragraphs 4.1 and 4.2
Harmful impact on local infrastructure.	Paragraph 7.11.4
It has been clarified that the applicant is not the owners of The White House.	Paragraphs 4.1 and 4.2

4.4. Eastling Parish Council object to the application on the following grounds:

Comments	Report reference
The proposal is within the Kent Downs National Landscape, is not supported by the development plan, is not beneficial to the village and is not sustainable.	Section 7.4
The proposal would cause light pollution in a dark area and be detrimental to bats.	Condition 12
The views of neighbours should be considered.	Sections 4 and 7.9
Advised that some properties had not been notified and a site notice has not been posted.	Paragraphs 4.1 and 4.2

5. CONSULTATIONS

- 5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There has been one round of consultation for most consultees. For those individual consultees that have been consulted more than once, it is stated under their heading below.
- 5.2. **KCC Highways** – No objection subject to conditions relating to the provision and retention of parking, electric vehicle charging and cycle storage facilities and the use of a bound surface material for the first 5 metres from the highway.
- 5.3. **KCC Ecological Advice Service (KCC EAS)** – Having initially requested additional information, on receipt of additional information and following a second phase of consultation, it has been stated that the proposal can be found acceptable subject to the imposition of conditions.
- 5.4. **SBC Tree Officer** - Based on the submitted tree information, the only existing trees that will need to be removed to implement the development are of low quality and as such not considered to be an arboricultural constraint under BS5837:2012. The most notable tree (a Sweet Chestnut listed as T1 in the accompanying tree survey) is shown to be retained. Provided the tree protection measures and working methodologies detailed in the submissions are adhered to throughout the development stages, no objections are raised from an arboricultural perspective.
- 5.5. **Mid-Kent Environmental Protection** - No objection on the grounds of noise, air quality, contamination or lighting. An informative is suggested to address construction impacts.
- 5.6. **Kent Downs National Landscape Unit** - No proposal specific comments but highlighted legislative requirements.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)

- ST1 Delivering sustainable development in Swale
- ST2 Development targets for jobs and homes 2014-2031
- ST3 The Swale settlement strategy
- ST4 Meeting the Local Plan development targets
- ST7 The Faversham area and Kent Downs strategy.
- CP2 Promoting sustainable development
- CP3 Delivering a wide choice of high quality homes
- CP4 Requiring good design
- CP6 Community facilities and services to meet local needs
- CP7 Conserving and enhancing the natural environment – providing for green infrastructure
- DM3 The rural economy
- DM6 Managing transport demand and impact
- DM7 Vehicle parking

DM14 General development criteria
DM19 Sustainable design and construction
DM21 Water, flooding and drainage
DM24 Conserving and enhancing valued landscapes.
DM26 Rural lanes
DM28 Biodiversity and geological conservation
DM29 Woodland, trees and hedges

Supplementary Planning Guidance/Documents –

Landscape Character Assessment and Biodiversity Appraisal (LCA&BA), 2011.
Parking Standard Supplementary Planning Document, 2020.

National Planning Policy Framework (the NPPF)

National Planning Practice Guidance (NPPG)

Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025 & the Kent Mineral Sites Plan (KMSP), 2020.

Kent Downs National Landscape Management Plan 2021-2026

7. **ASSESSMENT**

7.1. The main considerations involved in the assessment of the application are:

- Principle
- Size and Type of Housing
- National Landscape
- Character and Appearance.
- Trees
- Ecology
- Transport and Highways
- Living Conditions
- Sustainability / Energy
- Other Matters

7.2. **Principle**

7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.2.2. The NPPF provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

- 7.2.3. The application site is located within the defined built-up area boundary of Eastling. Therefore, for the purposes of Policy ST3 of the Local Plan, Eastling is an ‘Other Village with a Built-Up Area Boundary’. Policy ST3 indicates that the village “*will provide development on minor infill and redevelopment sites within the built up area boundaries where compatible with the settlement's character, amenity, landscape setting, heritage or biodiversity value.*” Subject to the assessment of the detail of the proposal, the provision of a dwelling at the application site would not conflict with the overall approach to the location of development that is set out within the Council’s settlement strategy.
- 7.2.4. Policy ST7 of the Local Plan addresses the Faversham area and states that the conservation and enhancement of the historic and natural environment are the primary planning aims, indicating that planning decisions will strengthen the viability of Faversham or its rural communities and support their shared social, economic and cultural links. The policy then sets out 16 criteria for the assessment of proposals within this area, several of which are not directly relevant to an assessment of this particular proposal or the application site. However, criteria 4 relates to the economies of rural settlements, criteria 7 indicates that housing will be supported at appropriate locations, provided that the role and character of the community can be maintained and criteria 12 requires that adequate regard is had to the National Landscape. Criteria 15 and 16 are also relevant to the proposal, relating to biodiversity net gain, designated habitat sites, the character of the area and the importance of heritage assets. These factors will be commented on below but, subject to the proposal being found acceptable in these respects, the proposal would accord with Policy ST7 of the Local Plan.
- 7.2.5. For the reasons given above and subject to the assessment of the detail of the proposals which will be undertaken below, the general principle of undertaking residential development at this site is considered to accord with the development plan.
- 7.2.6. Whilst access to services is limited and reliance on the use of a car is inevitable, this is not different to the services and accessibility that is able to be utilised by existing residents. The NPPF does not require all developments to be served by extensive services, facilities and public transport connections, identifying that “*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*” In this regard, it is considered that the limited services available are better than if a more remote or isolated site was chosen and there would be some services available to residents, albeit they are limited.
- 7.2.7. Paragraph 83 of 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*” before going on to state that “*development in one village may support services in a village nearby.*” From this basis, any use of the existing public house and bus route that arises as a result of the provision of an additional dwelling and any additional use of comparable facilities in other nearby villages would weigh in favour

of the proposal. However, no evidence in this regard has been provided and given the scale of the development, any benefit arising would be inherently limited.

- 7.2.8. The Council is not able to demonstrate a five year housing land supply and the most relevant policies to the determination of housing developments are considered to be out-of-date in the context of the NPPF. From this basis, the approach set out at paragraph 11d) of the NPPF is applicable. This indicates that planning permission should be granted unless there are any unacceptable impacts on protected areas or assets that provide a strong reason for refusal or whether the adverse impacts of granting planning permission would demonstrably outweigh the benefits. The balancing exercise that is required as a result of the application of the content of the NPPF will be undertaken below.

7.3. **Size and Type of Housing**

- 7.3.1. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, based on demographic trends, market trends, and the needs of different groups, should be provided.
- 7.3.2. Policy CP3 of the Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA). Subsequent to the adoption of the Local Plan, the Council's Housing Market Assessment (HMA) was prepared in 2020 (i.e., more recently than the Local Plan) after the introduction of the standard method for calculating the objectively assessed need.
- 7.3.3. Whilst the greatest identified need in the Borough is for two and three bedroom dwellings, there is an identified requirement for four bedroom dwellings which amounts to 19% of the overall requirement. As the proposal is for a single dwelling it is impossible for a mix of dwellings to be provided and in this instance and having regard to the context of the site, it is considered that the provision of a four bedroom dwelling should be found acceptable in the context of the housing needs of the Borough.

7.4. **National Landscape**

- 7.4.1. The site is within the Kent Downs National Landscape and therefore, as a result of The Countryside and Rights of Way Act 2000 Act (as amended by the Levelling-up and Regeneration Act 2023), there is a statutory duty for the Local Planning Authority to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty (hereafter referred to as the National Landscape).
- 7.4.2. Policy DM24 of the Local Plan states the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed. As the site is within the Kent Downs National Landscape, Part A of Policy DM24 indicates that planning permission should only be granted where the development conserves and enhances the special qualities and distinctive character of the National Landscape, furthers the delivery of the National Landscape Management Plan, minimises the impact of individual proposals and their cumulative

effects on the National Landscape and its setting, and is appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.

- 7.4.3. In addition, Criteria 12 of Policy ST7 of the Local Plan states that development proposals will *“ensure the landscape qualities and distinctive features of the Kent Downs AONB remain valued, secure and strengthened, alongside the local landscape designations within and around the North Kent Marshes, The Blean and North Downs. Improve the condition and quality of landscapes in the area, especially those in poor condition and ensure that development is appropriate to landscape character and quality, especially within areas with low or moderate capacity to accommodate change.”*
- 7.4.4. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. It goes on to state that the conservation and enhancement of wildlife and cultural heritage is also an important consideration and that the scale and extent of development within all these designated areas should be limited.
- 7.4.5. In this instance, the provision of a building within the built-up area boundary is considered to conserve the general pattern of development within the National Landscape and, by undertaking development within the settlement that could support the vitality of the settlement to a small degree, the proposal would not cause the spread of the settlement into the undeveloped parts of the National Landscape. As the site represents a small parcel of land within an area that is enclosed by other residential development on three sides and an extensive tree belt to the other, the development would not be viewed other than from short distance views between the existing dwellings of the area and would have no impact on the overall landscape of this part of the National Landscape. Maintaining the settlement pattern, not encroaching into the rural surroundings and providing a dwelling that will be found to maintain the character of the area can be considered to be meeting the requirement to conserve the natural beauty of the National Landscape.
- 7.4.6. In terms of enhancing the National Landscape, the proposal would enable a net gain of tree planting at the site relative to the existing situation. Over time, this would not only mitigate the visual impact of the development, it would also represent a benefit to the National Landscape in the longer term. Part IV of the abovementioned Act states that *“any reference in this Part to the conservation of the natural beauty of an area includes a reference to the conservation of its flora, fauna, geological and physiographical features.”* The consideration of natural beauty can therefore be wider than landscape impacts. In this regard, noting that the landscape impact is negligible and the potential tree planting would be a benefit, it is considered that the proposal would accord with the abovementioned policies and meet the statutory duty.

7.5. **Character and Appearance**

- 7.5.1. Local Plan Policies CP4 and DM14 and the NPPF attach great importance to the design of the built environment and that design should contribute positively to making places better for people.

- 7.5.2. The positioning of the dwelling to the rear of the application site can be construed as backland development. However, whilst paragraph 5.3.22 refers to garden grabbing and it is noted that interested parties have objected on the grounds that the proposal represents backland development, there is no policy within the development plan that specifically precludes backland development from occurring. In this instance it is considered relevant that the arrangement of Glebe Cottages and Meeson's Close creates a layout of development where there is a line of dwellings set back from Eastling Road and a line of dwellings fronting Eastling Road. The manner in which the nearby developments is viewed is materially different from this proposal which would be served by its own access rather than a communal highway. The formal layout of those surrounding developments to appear as larger, planned developments is also different. However, it is the case that the proposed dwelling would sit between three dwellings and appear, in part, as a continuation of the existing pattern of development by virtue of it sitting, loosely, within the lines of dwellings that extend to the north and to the south.
- 7.5.3. An existing access is present at the site and as such, there would be minimal visual harm arising from the works that are proposed to enable an improved access to the site. Unlike some backland developments where the access is a conspicuous and discordant feature of a street, the presence of the existing access point means that, at worst, a negligible impact would result from the proposal and it is not considered that there is reason to conclude that the resultant situation would have a detrimental impact relative to the existing gate entrance to the site.
- 7.5.4. The dwellings to the north, south and east of the site are of three markedly different architectural styles, different scale and different form. The proposed dwelling would not replicate any of the existing dwellings that currently surround the site but, in the context of the mixed appearance of the dwellings of the area, there is not considered to be an essential requirement for any of the dwellings to be replicated.
- 7.5.5. The 'chalet' style form of the dwelling would sit comfortably between the two storey buildings to the north and east and the single storey dwellings to the south, thereby representing a suitable transition between the built form of the area.
- 7.5.6. The proposed parking would be discreet at the site as it would be of limited visibility from the surrounding area and, from those vantage points where the dwelling would be visible, it would not have an imposing impact due to its positioning distant from most parts of the public domain. From where it would be seen, the dwelling would appear as a dwelling of acceptable design quality and feature sufficient visual interest through its detailing to sit acceptably within the local context.
- 7.5.7. From this basis, the proposal is considered to be acceptable and in accordance with the abovementioned policies and the applicable sections of the NPPF.

7.6. **Trees**

- 7.6.1. Policy DM29 of the Local Plan and the NPPF recognise the contribution of trees to the intrinsic character and beauty of the countryside.

- 7.6.2. The Council's Tree Officer has assessed the survey of the trees at the site that has been undertaken and the means of protecting trees that are to be retained and found that the development can be undertaken in an acceptable manner that accords with the abovementioned policy.
- 7.6.3. It is noted that trees have previously been removed from the site, a long time before the arboricultural assessment. It is probable that those trees could have been removed without requiring any form of consent and therefore, whilst this is a material consideration in respect of Biodiversity Net Gain as will be considered below, the past removal of trees at the site is not a reason to reach a different conclusion in respect of the application of Policy DM29 of the Local Plan.

7.7. Ecology

- 7.7.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

The Swale Special Protection Area

- 7.7.2. The application site is located outside 6km of The Swale Special Protection Area (SPA) and, therefore, an appropriate assessment under the terms of the Habitat Regulations is not required.

Protected Species

- 7.7.3. Section 40 of the Natural Environment and Rural Communities Act (2006) states "*For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England*" and "*A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.*" Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.' The NPPF states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'
- 7.7.4. In terms of the Local Plan, Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

- 7.7.5. The ecology advice received indicates that the submitted Preliminary Ecological Appraisal (PEA) provides a good overview of the current state of the application site, although it is acknowledged that significant clearance has occurred recently which will have significantly reduced the biodiversity value of the site. It is noted that further surveys for bats are recommended in the PEA report as two trees (G1 and T4) were found to have the potential to support roosting bats but that it is acceptable for these to be undertaken under the terms of a condition. It is recommended that a condition also requires precautionary/avoidance measures to protect the adjacent woodland, badgers, hazel dormice, nesting birds, reptiles and great crested newts. The advice given in these respects is considered to be sound and therefore, subject to conditions, no objection is raised to the proposal on the grounds of any impacts on protected species.

Biodiversity Net Gain (BNG)

- 7.7.6. This application was submitted after the commencement of Mandatory Biodiversity Net Gain and is therefore required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.
- 7.7.7. The initial ecology advice received requested the submission of a revised BNG assessment accounting for recent habitat degradation/loss which had occurred at the site. A new BNG assessment has subsequently been received which considers the site to have consisted of 'Other coniferous woodland' prior to recent tree felling. This is considered to have addressed the concern about the assessment of the baseline condition of the site.
- 7.7.8. There is no scope for delivery of biodiversity gains onsite as the entire site will consist of private residential curtilage which it is not possible to access for monitoring/remediation purposes. As such, the applicant will be required to make up a 0.56 biodiversity unit deficit off-site, likely through purchase and allocation of units from a habitat bank. The allocation of off-site units must be evidenced prior to commencement of any development. This is in accordance with the deemed condition of planning permission relating to biodiversity gain as per Schedule 7A 13(1) of the Town and Country Planning Act 1990. The condition is that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. As this is a deemed condition, it does not need to be explicitly included in the decision notice by the Local Planning Authority.
- 7.7.9. Based on the above, whilst not on-site, the development will be able to secure off-site BNG in a manner that accords with the requirements of legislation. From that basis, no objection is raised to the proposal on the grounds of BNG.

7.8. Transport and Highways

- 7.8.1. Local Plan Policies CP2 and DM6 promote sustainable transport through utilising good design principles. They set out that where highway capacity is exceeded and/ or safety

standards are compromised proposals will need to mitigate harm. Policy DM7 of the Local Plan requires parking provision to be in accordance with the Council's Parking SPD.

- 7.8.2. Eastling Road is also a rural lane and, as such, it is relevant that Policy DM26 of the Local Plan states that development will not be permitted that would either physically, or as a result of traffic levels, significantly harm the character of the rural lane.
- 7.8.3. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.8.4. The proposal would utilise an existing vehicle access and result in a limited additional use of public highways relative to the existing situation. The Highway Authority are satisfied that the proposed access arrangements are safe and, as the proposal is for a single dwelling, it is not considered that the highway impacts of the development would be severe, which is the test of acceptability that is set out within the NPPF.
- 7.8.5. The provision of three parking spaces within the proposed development to serve future residents accords with the Council's Parking Standards and the provision of cycle parking, as shown, also accords with requirements. This can be secured under the terms of a condition and a further condition can be used to ensure that adequate refuse storage collection arrangements are in place prior to the occupation of the dwelling.
- 7.8.6. The proposal is therefore considered to be acceptable in this respect and in accordance with the abovementioned policies of the development plan and the NPPF.

7.9. **Living Conditions**

Existing residents

- 7.9.1. Policy DM14 of the Local Plan and the NPPF requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.9.2. The two storey element of the proposed dwelling would be a minimum of 8.8m, 6.5m and 5.2m from the north, east and south boundaries of the site respectively. As a result of these separation distances and the depths of the gardens that have been set out above, the dwelling would be a minimum of 14.3 metres from the south east corner of the closest Glebe Cottage (no. 23), 21.3 metres from the two storey part of the dwelling at the White House and 10.4 metres from the side elevation of 13 Meeson's Close.
- 7.9.3. These separation distances are sufficient to ensure that the 6.5 metre tall dwelling would not have an unacceptably harmful impact on daylight, sunlight or outlook within any surrounding property. The dwelling would be visible and, at parts of the day could

cause the loss of some light, but not to a degree that the impact can be found to be unacceptably harmful which is the test that is set out within the abovementioned policy.

- 7.9.4. The proposed first floor dormers are shown at the rear elevation and, as such, would face sufficiently away from neighbouring properties to only afford oblique views towards those neighbours and their gardens. The first floor rooflight to the front serving the circulation space of the landing would also be set at a sufficiently high level to prevent harmful overlooking and the first floor side facing window serving bedroom 1 would be sufficiently small and distant from the boundary to ensure that the impact on privacy within the neighbouring properties to the north would be limited and not harmful.
- 7.9.5. Noise caused by the use of the access and through additional vehicle movements would be limited by virtue of the fact that the proposal is for a single dwelling. It is not considered that the level of use and the reliance on a gravel drive would generate noise to an extent that the impact can be deemed to be harmful. Similarly, subject to a condition related to external lighting being used to require details of lighting to be agreed, there is no reason to conclude that there would be light pollution arising from the proposal that would exceed what would reasonably be expected from a dwelling, in a residential setting that is surrounding by several dwellings.
- 7.9.6. Whilst there would be limited additional impact in terms of light and noise, it would not be to an extent that can be found to be unacceptably harmful. In this regard it is noted that no objection has been raised by the Council's Environmental Protection Officers.
- 7.9.7. The existing trees at the site could be removed and replaced without requiring planning permission as the planting of trees does not constitute development. Therefore, it is considered that it would not be sound for the application to be refused on the grounds that the proposed trees could lead to seeds being a nuisance to neighbouring residents.
- 7.9.8. Moreover, whilst it is noted that construction noise can be impactful to human residents and pets, this is limited in duration, limited in scale in this case due to the proposal being for a single dwelling and controlled under other legislation. This would not, therefore, be a sound basis for the application to be refused.

Future residents

- 7.9.9. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.9.10. The proposal would provide a good-sized four bedroom dwelling with ample amenity space, window and access to light. Even allowing for the growth of trees and recognising that there might be some grounds to require trees to be reduced or trimmed in the future, it is considered that acceptable light will be able to be provided. There is not, therefore, considered to be a reason to conclude that the living conditions of future residents would not be acceptable.

Overall

7.9.11. The proposed development would be acceptable in terms of not having an unacceptably harmful impact on neighbouring residents whilst also providing future residents with acceptable living conditions. The proposal therefore accords with Policy DM14 and the NPPF.

7.10. **Sustainability / Energy**

7.10.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. A condition can be imposed to seek to enhance the sustainability credentials of the development and, therefore, the proposal will be able to accord with this policy.

7.11. **Other matters**

7.11.1. The site is outside and distant from the Eastling Conservation Area and distant from any other heritage assets. The proposal would therefore cause no harm to the setting of any heritage assets or archaeological features. Moreover, there is no known reason to conclude that the site would be the subject of contamination and the site is located within an area of low flood risk. No objections are raised and no conditions are imposed in relation to these matters.

7.11.2. Policy DM26 of the Local Plan states that development proposals should have particular regard to the landscape, amenity, biodiversity, and historic or archaeological importance of rural lanes. Each of these matters are considered elsewhere but in summary it is considered that the proposal would not have an unacceptable impact on the rural lane of Eastling Road in any of these respects.

7.11.3. Whilst a comment of objection refers to the proposal setting a precedent, it is considered appropriate to highlight that all applications are to be considered on their own planning merits and so any decision reached in this case would not undermine the ability to consider any other application on its own merits.

7.11.4. Whilst a comment has indicated that the proposal would not benefit the local community and harm local infrastructure, it is considered that the proposal has to be considered on its planning merits as has been done above and below. There is no clear reason to conclude that the provision of a dwelling in this location would harm the local community or local infrastructure.

7.12. **Planning Balance**

7.12.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

7.12.2. In this case the application accords with the Local Plan.

- 7.12.3. The NPPF is a material consideration and as the Council are unable to demonstrate a 5-year supply of housing land, paragraph 11.d of the NPPF is engaged. In this instance there are no harms arising from the proposal that indicate that planning permission should be refused and, in light of the benefit to the supply of housing that would arise, albeit limited by virtue of the proposal being for one dwelling, it is considered that the NPPF also indicates that planning permission should be granted.

7.13. **Conclusion**

- 7.13.1. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public. Having done so, it is considered that the proposal accords with the development plan and the NPPF and, therefore, planning permission should be granted.

7.14. **Recommendation**

- 7.14.1. Grant Planning Permission subject to the following conditions:

1. The development hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved plans:

1686/1 – Existing Site and Location Plans

1686/2 – Proposed Site Plan

1686/3 – (Labelled Proposed Landscaping but showing the proposed floor plans, elevations and section)

1686/4 – Proposed Landscaping

Cycle Store Plan

Reason: For the avoidance of doubt, and in the interests of proper planning.

3. No development (including site clearance and demolition works), shall commence until all existing trees shown to be retained within the submitted Arboricultural Impact assessment, Method Statement and Tree Protection Plan (PJC, Dated 31/01/2025) have been protected in accordance with the details that have been set out within that document. The approved measures shall be kept in place during the entire duration of the construction phase.

Reason: In the interests of tree protection and the character and appearance of the area and the countryside setting.

4. Prior to the first occupation of the dwelling hereby approved the hard landscaping shown on plan 1686/4 (Proposed Landscaping) shall have been fully implemented in accordance with the approved details except for the first 5 metres of the access from the public highway which shall be bound and not loose. The soft landscaping shown on plan 1686/4 (Proposed Landscaping) shall be fully implemented in the first planting season following the occupation of the dwelling. Subsequently, in the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species shall be planted as a replacement and thereafter properly maintained.

Reason: In the interests of the character and appearance of the area and the countryside setting and to ensure that the materials of the access are not brought onto the highway.

5. No development shall be undertaken (including any site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the measures outlined in section 5 of the Preliminary Ecological Appraisal (PJC, January 2024) associated with the planning application has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:
 - a) Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
 - b) Results of pre-commencement aerial/endoscope inspection surveys for bats relating to trees G1 and T4;
 - c) Specific measures (which may be presented as a series of method statements) to avoid impacts to the adjacent woodland, roosting bats, badgers, hazel dormice, nesting birds, reptiles and great crested newts (GCN);
 - d) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
 - e) Copies of any protected species mitigation licences issued by Natural England as required.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To protect biodiversity in accordance with the NPPF 193 and Local Policy DM28, to avoid an offence under the Wildlife and Countryside Act 1981 (as amended) and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

6. Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of biodiversity enhancements as recommended in section 5.5 of the Preliminary Ecological Appraisal (PJC, January 2024), clearly detailed in a scaled block plan with a planting schedule.

Integral features (bat tubes and bee bricks) shall be clearly detailed in elevations drawings.

The BEP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. Prior to any works occurring above ground level, details of the materials to be used in the external appearance of the dwelling shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be undertaken in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and the countryside setting and due to the generic information that has been provided within the application submissions.

8. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

9. Prior to the occupation of the dwelling, the dwelling shall have been fitted out with all energy efficiency and renewable energy generation provisions that are detailed within an Energy Statement that shall have first been submitted to and approved in writing by the Local Planning Authority. Subsequently, all approved and implemented provisions shall be retained at all times.

Reason: In the interest of promoting energy efficiency and renewable energy generation.

10. Prior to the first occupation of the dwelling hereby approved, all car parking areas and cycle storage facilities shown on the plans hereby approved shall have been provided. They shall be retained at all times thereafter.

Reason: To ensure the adequate provision of car parking and cycle storage.

11. Prior to the first occupation of the dwelling hereby approved, all provisions required in association with a Refuse Collection Strategy, that shall first have been submitted to and approved in writing by the Local Planning Authority, shall have been implemented.

Reason: To ensure that adequate refuse collection arrangements are in place, including the designation and provision of a day-of-collection refuse storage point that is sufficiently close to the highway.

12. No external lighting shall be installed at the site unless details of that lighting have first been submitted to and approved in writing by the Local Planning Authority. Any lighting subsequently installed shall be in accordance with the approved details.

Reason: To minimise light pollution, provide a suitable environment for biodiversity and to not unduly impact on the dark skies of the Kent Downs National Landscape.

