



## Council's Response to Inspectors' Matters, Issues, Questions

### Matter 3 – Housing Allocations

#### Issue 9 – Housing Sites in Villages

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##### *Policy SAP43 – Land at Short Lane, Alkham*

- Q1** Does the site allocation represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered?
- Q2** What is the latest position regarding proposals for the site?

#### Q1 & Q2 DDC Response:

1. This site allocation (with an indicative capacity of 10 units) does not represent major development in the AONB.
2. Footnote 60 of the NPPF confirms that *'for the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'*.
3. This site is not considered to be major development in the AONB for the following reasons:
  - The site is contiguous with the settlement boundary, with development on two sides.
  - The existing settlement pattern includes development in depth to the south of Alkham Valley Road.
  - The number of homes is small relative to the size of the settlement and the limited prominence of the site itself in views from the village.
4. In a Statement of Common Ground with the Council, the AONB Unit agrees that:

*'The proposal does not constitute major development in the AONB, with the site being contained within the wider landscape and relating well to the existing settlement'*.
5. The potential impacts of development on the character and appearance of the area, including the AONB, have been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Principal Heritage Officer and the Kent Downs AONB Unit. This has been an iterative assessment through the plan making process, taking account of responses received through consultation as described below:



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- During consideration of the site in the 2020 HELAA, the site was subject to a site visit and desktop assessment and no known heritage impacts were identified. Comments were also received from the AONB Unit, stating they agreed with the officer assessment, subject to the retention of existing trees and enhancement of the hedge on Fernefield Lane Boundary. The landscape assessment in the HELAA concluded that the site would have an impact on the landscape, but considered this could be suitably mitigated.
  - The site was subject to sustainability appraisal prior to the Regulation 18 consultation in January 2021. Both documents were subject to consultation.
  - Post the Reg 18 stage, consultation with the AONB Unit (HELAA 2020 Appendix 3g)<sup>1</sup> resulted in a comment which confirmed there was no objection to this allocation.
  - In 2022 the HELAA Assessment (HELAA 2022 Appendix 1a)<sup>2</sup> identified the site as 'suitable' and the site was subject to Sustainability Appraisal which informed the final selection of sites. The suitability assessment concluded that the site would form a logical extension to the settlement and soft screening would be required to mitigate the impact on the AONB.
  - The site was subject to public consultation at the Regulation 19 stage. Further comments were received from the Kent Downs AONB Unit.
6. The Kent Downs AONB Unit has agreed the following in the Statement of Common Ground with the council:
- 'The potential impacts of development on the character and appearance of the area, including the AONB, has been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB. It is also agreed that the site-specific requirements set out in Policy SAP43 manage the impacts on the AONB through provision of a sensitively designed scheme and landscape buffer.'*
7. Planning Application DOV/23/00546<sup>3</sup> (validated on the 25<sup>th</sup> July 2023) is at the current time undetermined. The consultation response received from the Kent Downs AONB Unit on the application states that *'the site would appear to be a natural and logical extension to the village and development here would be seen within the connect of the existing built form at Alkham'*.

<sup>1</sup> [GEB9d HELAA 2020 Appendix 3 a-g](#)

<sup>2</sup> [GEB09b Appendix 1a to c HELAA 2022 \(October 2022\)](#)

<sup>3</sup> [23/00546](#) | Erection of 8 dwellings with associated access and landscaping | Land East Side of Short Lane Alkham



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##### Policy SAP44 and SAP45 – Capel-le-Ferne

**Q1 Is the cumulative scale of development proposed at Capel-le-Ferne commensurate with its size, role and function as a Large Village?**

#### Q1 DDC Response:

8. Matter 2, Issue 2 (Settlement Hierarchy), Question 2 explains the methodology used to determine which settlements fall within each category in the settlement hierarchy. Capel Le Fern is a 'large village', a primary school, two nurseries, a general store, a public house, a café and other community facilities. The village is close to Folkestone and its services, including retail, health and leisure facilities.
9. Matter 2, Issue 3 (Housing Distribution), Question 1 sets out the process the Council followed to inform the distribution of new development and the reasonable judgements made. As set out in paragraph 1.7 of the Selection of Site Allocations (Housing Sites) Addendum<sup>4</sup>, the '*Council did not identify a specific number or range of number of homes that should be allocated within each rural settlement, as there were other factors that have influenced the suitability of individual settlements to accommodate a certain level of growth, including for example constraints such as the Area of Outstanding Natural Beauty, and the suitability and availability of sites*'.
10. Four sites have been allocated at Capel Le Ferne, three of which are small, and one (CAP006 Land to the east of Great Cauldham Farm allocated for 70 units) is larger. The total indicative capacity of the sites proposed for allocation at the village is 95, although recent planning decisions (resolution to grant subject to 106 Agreement) on proposed allocations will result in a higher number of units on CAP009 and CAP011. These Council considers that the circa 100 units to be delivered through allocations in Capel-Le-Ferne over the plan period is commensurate with its size, role and function as a Large Village.

**Q2 Can a safe and suitable access be achieved for both vehicles and pedestrians to site SAP44? How has this been assessed as part of the allocation of the site? Where will access be taken from?**

#### Q2 DDC Response:

<sup>4</sup> ED3 Selection of Site Allocations Housing Sites Addendum (April 2023)



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11. As set out in response to Matter 2 – Issue 4 – Question 3, constraint on the local highways network has been a factor influencing the selection of sites for allocation and has been informed through consultation with Kent County Council Highways (KCC) and the Transport Modelling that has been carried out. KCC has provided comments on all HELAA sites subject to the suitability assessment in relation to access requirements and potential impacts on the local highway network, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.
12. Access will primarily be taken from Capel Street, replacing the dwelling known as 11 Capel Street. A further access to the road network is shown to Cauldham Lane, which has potential to be used as a secondary emergency access.
13. As set out in SD06, some modifications have already been proposed to the policy criteria to add clarity to the Cauldham Lane access, and to add requirements in relation to improvements and connections to the PROW, as requested by KCC.
14. Further discussions have subsequently taken place with KCC Highways on this site and the potential need for some traffic restrictions on Capel Street to enable sufficient turning around the proposed access point. Further modifications have been agreed with KCC Highways to reflect this.
15. Proposed Post Submission modifications (Note, AM modifications are shown in blue to distinguish between the changes)
  - d) Primary vehicular, pedestrian and cycle access to the site shall be provided from Capel Street. Primary vehicular access should not be taken from Cauldham lane, which should be a secondary emergency access.
  - Improvements and/or connections to the Public Right of Way and Bridleway network should be provided, where possible.
  - i) A Transport Assessment is required in accordance with Policy TI2 to identify off-site highway improvements and sustainable transport measures that are necessary to serve the development. The transport assessment must consider and identify mitigation for the Capel Street/Dover Road junction also taking into account the cumulative impact of other sites allocated in this Plan, and review the need for parking restrictions on Capel Street to enable sufficient turning space for service vehicles accessing the site; and

**Q3 What is the capacity of the site SAP44 based on? Is it justified?**



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#### Q3 DDC Response:

16. This is the largest proposed allocation at Capel Le Ferne. The original 'call for sites' submission was for a bigger area (stretching further to the north-east) which could have accommodated more units. The promoter's submission received August 2018 indicated 100 homes at a density of 30 homes per hectare.
17. The Council has proposed a smaller capacity than the call for sites submission, and an altered boundary to reduce wider landscape impacts, including on the setting of the AONB. An initial site capacity was identified using the density standards for the location of the site -in this case, 25dph (as set out in response to Matter 4 Issue 1 Q3). The capacity was then reduced to deliver a layout which can respond to the density and character of surrounding development and accommodate sufficient open space (recreation, sustainable drainage, landscape mitigation and enhancement and biodiversity benefits). This would leave an estimated net developable area of 70% of the site, the residential area would be delivered at 25dph in accordance with the density standard for this location.
18. It is therefore the Council's view that 70 units is an appropriate indicative capacity for this 4ha site (17.5/ha).

**Q4 Do any of the Small Housing Sites represent major development in the AONB, and if so, are they justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered? In answering this question, the Council should address any cumulative landscape impacts, especially from sites around Cauldham Lane.**

**Q5 Can a safe and suitable access be achieved for both vehicles and pedestrians to the Capel-le-Fern Small Housing sites, particularly CAP009 and CAP013?**

**Q6 What is the latest position regarding proposals for the sites in Capel-le-Ferne?**

#### Q4, Q5 and Q6 DDC Response:

19. As set out in response to Matter 2 – Issue 4 – Question 3, constraint on the local highways network has been a factor influencing the selection of sites for allocation and has been informed through consultation with Kent County Council Highways (KCC) and the Transport Modelling that has been carried out. KCC have provided comments on all HELAA sites subject to the suitability assessment in relation to



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access requirements and potential impacts on the local highway network, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.

20. The following addresses questions 4, 5 and 6 for each of the small sites in turn.

#### ***CAP009 Longships, Cauldham Lane, New Dover Road***

21. The planning application for the site<sup>5</sup> proposes a scheme of 15 flats (for over 55s housing), the application has a Planning Committee resolution<sup>6</sup> to grant (subject to the S106 agreement).

#### *Character and appearance including AONB*

22. The potential impacts of development on the character and appearance of the area, including the AONB, have been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. This has been an iterative assessment through the plan making process, taking account of responses received through consultation as described below:

- During consideration of the site in the 2020 HELAA, the site was subject to a site visit and no known heritage impacts were identified. The landscape assessment in the HELAA 2020 observed that the site was visible in the landscape but was well screened by trees and hedging at its boundaries. It recommended that development impacts on the AONB and PROW ER253 could be mitigated if the existing screening was retained, and the development was considerate of additional screening required. This mitigation requirement was added to the policy, albeit in a different format of wording.
- The site was subject to sustainability appraisal prior to the Regulation 18 consultation in January 2021. Both documents were subject to consultation.
- Post the Reg 18 stage, consultation with the AONB Unit (HELAA 2020 Appendix 3g)<sup>7</sup> resulted in a comment which confirmed they had no objection.
- In 2022, the HELAA (HELAA 2022 Appendix 1a)<sup>8</sup> identified the site as 'suitable' and the site was subject to a Sustainability Appraisal which informed the final selection of sites. The suitability assessment concluded that screening would be

<sup>5</sup> [DOV/20/01569](#) | The erection of two storey building incorporating 15 apartments (independent living accommodation), communal social areas and associated parking and landscaping | Longships Cauldham Lane Capel Le Ferne CT18 7HG

<sup>6</sup> [Planning Committee Minutes 15<sup>th</sup> September 2022](#)

<sup>7</sup> [GEB9d HELAA 2020 Appendix 3 a-g](#)

<sup>8</sup> [GEB09b Appendix 1a to c HELAA 2022 \(October 2022\)](#)



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required along the boundary to mitigate the impact on the AONB and existing trees and hedgerows on the site should be retained.

- The site was subject to public consultation at the Regulation 19 stage. Further comments were received from the Kent Downs AONB Unit.

23. The Kent Downs AONB Unit has agreed the following in the Statement of Common Ground:

*'The potential impacts of development on the character and appearance of the area, including the AONB, has been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. It is also agreed that the site-specific requirements set out in Policy SAP45 manage the impacts on the AONB through provision of a landscape buffer.'*

24. The following statement is made at Paragraph 2.18 of the committee report to Planning Committee<sup>9</sup>:

*'The development would be largely screened from views from the public highway, other than when viewed from the vehicular access, by the existing trees and additional planting proposed. New hedgerow would be planted along the southwest boundary such that together with the existing trees, views of the proposals from the adjacent countryside and nearby AONB would be limited. Where the proposal would be visible, it is considered the development would be seen within the context of the existing development in Capel-Le-Ferne and would preserve and conserve the intrinsic character and scenic beauty of the countryside and Kent Downs AONB. For the same reasons, it is also considered unlikely that the development would result in undue harm to the character and appearance of the wider landscape area. Having had regard to the Kent Downs AONB Management Plan and Countryside and Rights of Way Act, it is considered the proposals would accord with the objectives of NPPF Paragraphs 174 and 176 and Policies DM15 and DM16.'*

#### Access Matters

25. As set out in HELAA Appendix 3B<sup>10</sup>, KCC Highways determined further work was required to determine impacts on the highway network and in relation to the access.
26. A safe and suitable access to the site has subsequently been demonstrated as being achievable through the planning application<sup>11</sup> for the site. Access has been agreed with KCC and land will be safeguarded for a footway. It is proposed that this matter will be dealt with as part of the 106 Agreement.

<sup>9</sup> [Planning Committee 11<sup>th</sup> August 2022](#)

<sup>10</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)

<sup>11</sup> [DOV/20/01569](#)



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#### ***CAP011 Land known as Archway Filling Station***

No planning application has been submitted for this site.

#### *Character and appearance including AONB*

27. It is only site CAP011 (Land known as Archway Filling Station) that is located in the AONB. This site (allocated for 10 units) is not considered to be major development in the AONB and the AONB Unit agrees with this assessment in their Regulation 19 Representation (SDLP296) and Statement of Common Ground.
28. The site is not considered to be major development in the AONB for the following reasons:
  - The scale of the development is similar to the adjacent development inside the junction between New Dover Road and Winehouse Lane.
  - The site is closely related to existing development. Although not immediately contiguous with the settlement edge, the site is located adjacent to existing development of a similar scale. On the opposite side of the road is Capel Court Park (a residential and leisure park with densely placed park homes, lodges and static caravans) which abuts the settlement boundary at George Close.
  - The landscape in the vicinity of the development is not typical of the AONB. The site is adjacent to a significant road and is adjacent to development on two sides. Looking towards the site from Winehouse Lane the views are interrupted by masts and the site does not contribute to typical landscape character.
  - The site is not strongly visible from public footpaths in the AONB and boundary planting limits views of the site generally. Views from the settlement will not be affected.
  - Although much of the site has 'reverted to nature', there is still a significant amount of hard surface visible at the front of the site, dating from the historic petrol station use.
29. The potential impacts of development on the character and appearance of the area, including the AONB, has been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. This has been an iterative assessment through the plan making process, taking account of responses received through consultation as described below:
  - During consideration of the site in the 2020 HELAA, the site was subject to a site visit and no known heritage impacts were identified. Comments were received from the AONB Unit who strongly objected to the site and an overall assessment was made that development of the site would have an impact on the landscape and further assessment was required to demonstrate whether this could be





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mitigated. Officers observed that there were limited views from the site into the AONB along the northern and western boundaries and were of the view that development could be mitigated by retaining and enhancing boundary hedgerows and trees.

- The site was subject to sustainability appraisal prior to the Regulation 18 consultation in January 2021. Both documents were subject to consultation.
  - In 2021 a Landscape Sensitivity Assessment (GEB11)<sup>12</sup> was published. STM011 was a very small portion of a much larger land parcel assessed.
  - Post the Reg 18 stage, consultation with the AONB Unit (HELAA 2020 Appendix 3g)<sup>13</sup> resulted in a comment which maintained concerns about the site failing to be complementary to the traditional street pattern, but supported the reduction in dwelling numbers and amended policy criteria which will help mitigate impacts. The number of dwellings had been reduced from 18 to 10 units between the Regulation 18 stage and regulation 19 stage.
  - In 2022 the HELAA (HELAA 2022 Appendix 1a)<sup>14</sup> identified the site as 'suitable' and the site was subject to Sustainability Appraisal which informed the final selection of sites. The suitability assessment concluded that development would only be acceptable provided sufficient screening is provided along the boundary to mitigate the impact on the AONB, and existing trees and hedgerows are retained.
  - The site was subject to public consultation at the Regulation 19 stage. Further comments were received from the Kent Downs AONB Unit.
30. A Post Submission Modification is proposed in the Statement of Common Ground with the AONB unit which seeks to amend the second requirement of the policy as follows:
- "The site is in the AONB and any scheme coming forward on this site will be informed by a Landscape and Visual Impact Assessment to ensure it is should be designed to be appropriate to the sites sensitive location within the Kent Downs AONB in respect of scale, form, materials and colour palette."*
31. The AONB unit confirms in the Statement of Common Ground that the 'amendment does not address AONB concerns; the issue of impact on landscape character cannot be overcome, even with the most sensitive design or incorporation of mitigation and we do not consider any proposed development to be acceptable in terms of AONB impacts on this site'.

<sup>12</sup> GEB11 Landscape Sensitivity Assessment (Jan 2021)

<sup>13</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)

<sup>14</sup> [GEB09b Appendix 1a to c HELAA 2022 \(October 2022\)](#)



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32. It is the Council's view that sensitive design (with particular attention to roof form, materials and colour) and retention and enhancement of trees and hedgerows at the boundary will mitigate potential landscape visual impacts.

#### *Access Matters*

33. As set out in HELAA Appendix 3B<sup>15</sup> KCC Highways determined that safe access to the site was achievable and highway impacts could be mitigated.

#### **CAP013: Land at Cauldham Lane**

34. The outline planning application<sup>16</sup> for the site proposes a scheme for 16 dwellings and the application has a Planning Committee resolution<sup>17</sup> to grant (subject to the S106 agreement).
35. The potential impacts of development on the character and appearance of the area, including the AONB, has been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. The site adjoins the AONB. This has been an iterative assessment through the plan making process, taking account of responses received through consultation as described below:
- During consideration of the site in the 2020 HELAA, the site was subject to a site visit and no known heritage impacts were identified. The landscape assessment in the HELAA 2020 observed open views across the site to the adjacent countryside which is in the AONB. It describes that the land falls away at the edge of the site, such that the development would be on a prominent ridge. It is recommended that the site would need to be well screened to minimise impact on the AONB. The AONB Unit has no objection subject to a strong structural woodland belt along the western boundary.
  - The site was subject to sustainability appraisal prior to the Regulation 18 consultation in January 2021. Both documents were subject to consultation.
  - Post the Reg 18 stage, consultation with the AONB Unit (HELAA 2020 Appendix 3g) resulted in a comment which confirmed they supported changes to the policy wording regarding site design and retention and enhancement of existing trees and hedgerows.
  - In 2022 the HELAA Assessment (HELAA 2022 Appendix 1a)<sup>18</sup> identified the site as 'suitable' and the site was subject to Sustainability Appraisal which informed the final selection of sites. The suitability assessment concluded that screening

<sup>15</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)

<sup>16</sup> [DOV/23/00401](#)

<sup>17</sup> [Planning Committee Minutes 13 July 2023](#)

<sup>18</sup> [GEB09b Appendix 1a to c HELAA 2022 \(October 2022\)](#)



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would be required along the boundary to mitigate the impact on the AONB and existing trees and hedgerows on the site should be retained.

- The site was subject to public consultation at the Regulation 19 stage. Further comments were received from the Kent Downs AONB Unit.

36. The Kent Downs AONB Unit have agreed the following in the Statement of Common Ground:

*'The site is located adjoining the AONB, and does therefore not constitute major development in the AONB. The potential impacts of development on the character and appearance of the area, including the AONB, have been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. It is also agreed that the site-specific requirements set out in Policy SAP45 manage the impacts on the AONB through a sensitively designed scheme and the provision of a landscape buffer.'*

37. The Committee Report<sup>19</sup> included the following assessment at paragraph 2.47 about character and appearance of the AONB:

*'2.47 To conclude, it is considered that the proposed development would have a visual impact on views from the AONB and surrounding area, and some landscape impacts on the landscape receptors identified in the LVIA, however it is considered that this can be adequately mitigated by a generous landscape buffer surrounding the site. The provision of the buffer can be secured through a condition requiring accordance with the land use parameter plan indicating a 10m buffer to south and west, and through details of landscaping required at reserved matters stage. 2.48 Further to this it is considered the outline illustrative site plan and parameter plan indicate that layout, landscape and design would be able to minimise adverse impacts on the AONB and its setting, and that appropriate scale, form and materials could be secured which would conserve the special character of the landscape.'*

#### Cumulative impacts

38. In terms of cumulative impact of development on the landscape, including the AONB and its setting, there is very limited intervisibility between the sites around Cauldham Lane and the AONB. Landscape enhancements described in each policy seek to minimise impact on the AONB. The Council do not consider there to be any concern related to the cumulative impact of the developments.
39. The AONB Unit visited all the sites and had no concerns or comments to make about potential cumulative landscape impacts of the sites in Capel-Le-Ferne.

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<sup>19</sup> [Committee Report DOV/23/0040113<sup>th</sup> July 2023](#)



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#### Access Matters

40. As set out in HELAA Appendix 3B<sup>20</sup> KCC Highways determined that further assessment in relation to CAP013 was required in relation to highway impact and access.
41. A safe and suitable access to the site has subsequently been demonstrated as being achievable through the planning application for the site. Access has been agreed with KCC and highway improvements include the formation of a 1.8m wide footway to the southwest side of Cauldham Lane, which would run from the new site access to beyond Cauldham Close. All works will be subject to a separate Section 278 Agreement with KCC Highways.

#### Policy SAP46 – The Street, East Langdon

**Q1 What is the justification for the location of 40 additional dwellings at East Langdon? Is the scale of development commensurate with the size of the village and the level of services on offer?**

#### Q1 DDC Response:

42. Matter 2, Issue 2 (Settlement Hierarchy), Question 2 explains the methodology used to determine which settlements fall within each category in the settlement hierarchy. East Langdon is a Larger Village, with a primary school (with a post office two mornings a week), village hall, church, and play area. The village is also located in close proximity to Martin Mill railway station which provides direct access to the nearby towns of Dover and Deal.
43. Matter 2, Issue 3 (Housing Distribution), Question 1 sets out the process the Council followed to enable the distribution of new development and the reasonable judgements made. As set out in paragraph 1.7 of the Selection of Site Allocations (Housing Sites) Addendum<sup>21</sup>, the *'Council did not identify a specific number or range of number of homes that should be allocated within each rural settlement, as there were other factors that have influenced the suitability of individual settlements to accommodate a certain level of growth, including for example constraints such as the Area of Outstanding Natural Beauty, and the suitability and availability of sites'*.
44. This is the only site proposed for allocation in East Langdon. The total indicative capacity of the site is 40 units. It is the Council's view that the development is

<sup>20</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)

<sup>21</sup> ED3 Selection of Site Allocations Housing Sites Addendum (April 2023)



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commensurate with the size, role and function of this large village. It is recognised that this settlement has a modest population, but there is a reasonable range of services in East Landon and a train station nearby at Martin Mill.

**Q2 What is the justification for requiring the primary access to be taken from East Langdon Road and including a 'review' of the speed limit? How have effects on the highways network and safety been considered and is it sufficiently clear what is required from users of the Plan?**

#### Q2 DDC Response:

45. As part of the plan preparation, the Council, through transport consultants WSP, has developed a strategic traffic model which represents the impact in 2040 of the Local Plan sites in Dover and Deal as reported on in Regulation 19 Transport Modelling Forecasting Report <sup>22</sup>The Street, East Langdon was included in this. The strategic model predicts the impacts that the Local Plan sites will have on the highway network and identifies any issues which are being generated by the proposed development. The impacts of the Local Plan are all documented within the Regulation 19 Transport Modelling Forecasting Report.
46. As set out in response to Matter 2 – Issue 4 – Question 3, constraint on the local highways network has been a factor influencing the selection of sites for allocation and has been informed through consultation with Kent County Council Highways (KCC) and the Transport Modelling that has been carried out. KCC has provided comments on all HELAA sites subject to the suitability assessment in relation to access requirements and potential impacts on the local highway network, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.
47. KCC Highways has confirmed the traffic impact of this site is unlikely to be severe as it will generate little more than one additional vehicle movement every 3 minutes on average.
48. KCC Highways has clarified that under current planning application ref. DOV/23/00370, providing access onto East Langdon Road provides the most direct route to the strategic highway network. A review of the speed limit is recommended as the access is just outside the 20mph zone. Various options were considered in relation to footways. The site is looking to provide a link to the rear of the site to access the primary school and a pedestrian link within the site to the east towards the recreation ground which is acceptable to KCC Highways.

<sup>22</sup> [TIEB02a Regulation 19 Transport Modelling Forecasting Main Report \(October 2022\)](#)



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#### Q3 What is the latest position regarding proposals for the site?

#### Q3 DDC Response:

49. An outline planning application has been submitted for this site<sup>23</sup>. At the time of submitting this response to MIQs, the application had not been determined.

#### Q4 What is the justification for the suggested changes to Policy SAP46? Why are they necessary for soundness?

#### Q4 DDC Response:

50. As set out in SD06, AM75 is a proposed additional amendment to the supporting text (para 4.275). This is a factual amendment, and not necessary for soundness, but will provide clarification for the users of the plan. Please note some renumbering of criteria will be required.

51. AM76 seek amendments to 7 criteria of Policy SAP4.

- Criteria (a) amendments seek to clarify the proposed arrangement of development on the site. Development should be focused on the southern part of the site with a substantial landscape buffer to the north and west. Rather than a street frontage, it is preferable to retain and enhance the hedgerow boundary.
- There is a drafting error in the amended Criteria a) text, and a Post Submission Modification is proposed so that the criteria a) text reads as follows:
  - a) Development should be focused in the southern part of the site with the fronting onto The Street. The northern and north-western part of the site should remaining undeveloped; to and be retained as a landscape buffer and/or open space to mitigate the impact of development on the wider countryside. This should be determined by a Landscape Visual Impact Assessment;
- This criteria now incorporates criteria (c) in the policy as drafted in the plan. This is a fairly limited change, but one which is necessary for soundness to ensure

<sup>23</sup> 23/00370 | Outline application for erection of up to 40 dwellings (matters reserved except access).



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expectations for the layout of the site and treatment of boundaries is appropriate. It will improve the effectiveness of the policy.

- Criteria (c) is deleted and partially incorporated into criteria (a). This is a clarification required to remove repeating text in the policy. It will improve the effectiveness of the policy, but is not needed for soundness.
  - Criteria (d) seeks to clarify the expectations for the role of trees and hedgerows in the design and layout of development. The changes seek to respond to representations made, including from the Parish Council who considered criteria d and e to be contradictory. This is a fairly limited change, but one which is necessary for soundness to ensure expectations for the role of trees and hedgerows in the design of the site are clear. It will improve the effectiveness of the policy.
  - Criteria (e) is deleted and partially incorporated into criteria (d).
  - Criteria (f) clarifies a road name. This is a factual clarification.
  - Criteria (g) sought to respond to a comments from Langdon Parish Council seeking pedestrian connections along The Street. Following consultation with the promoter the Council is advised that Langdon Court Bungalow is not within the same land ownership, nor part of the site being promoted. This would prevent a footpath connection along The Street to the end of the existing footpath. The Council is still seeking further information on land ownership. A small change to the site boundary (confirmed by the agent at Reg 18 stage) may be required, and this proposed AM to criteria g) would not be achievable.
  - The current planning application (DOV/23/00370) proposes footpath connections to the village (and school) by using an existing PROW to the rear of the site. KCC has supported this arrangement in the planning application. The application is still undetermined, but this evidence appears sufficient to confirm that the proposed Additional Amendment is not necessary for soundness.
52. The site promoter was asked to comment on the Additional Amendments and made the following comment in an email dated 6<sup>th</sup> October 2023:

*'In respect of the council's suggested modifications to Policy SAP46 (at modification references AM75 and AM76), we can confirm that these are generally supported by Gladman. At AM76 however, Gladman considers that the text reading '(along the street)' should be deleted from the proposed insertion to policy criterion (d). The reason for this is that, as per discussions with KCC on the current live application (Ref. 23/00370), the opportunities to deliver footpath and pedestrian improvements on The Street are limited; and, that improved pedestrian and cycle connections between the site, the school and the recreation ground are most appropriately secured through the development site (and by*



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*upgrading PROW ER44) rather than upgrading The Street itself. In this context, the wording 'along the street' should be removed for clarity.'*

- Criteria (j). The deletion of the reference to wintering bird surveys is in response to the recommendations of the updated HRA March 2023 as set out in the Council's response to Matter 1 Issue 7 Question 2. This is to ensure the plan is justified by the evidence base. This change is necessary for soundness and will ensure the policy is consistent with Policy SAP13.
- Criteria (o) seeks to insert the words 'where appropriate' at the end of the criteria. Any scheme for extensions and/or enhancement to existing facilities. The way open space requirements are met will be negotiated at the planning application stage in consultation with the Parish Council. The change will make the policy more effective.

#### *Policy SAP47 – Land adjacent to Lydden Court Farm, Lydden*

**Q1 Can a safe and suitable access be achieved for both vehicles and pedestrians to the site? How has this been assessed as part of the allocation of the site? Where will access be taken from?**

#### Q1 DDC Response:

53. As set out in response to Matter 2 – Issue 4 – Question 3, constraint on the local highways network has been a factor influencing the selection of sites for allocation and has been informed through consultation with Kent County Council Highways (KCC) and the Transport Modelling that has been carried out. KCC has provided comments on all HELAA sites subject to the suitability assessment in relation to access requirements and potential impacts on the local highway network, with updates to their comments being provided following the Regulation 18 consultation, targeted call for sites, and in response to additional information submitted by site promoters, and post Regulation 19 stage.
54. As shown in the HELAA Appendix 3B<sup>24</sup>, KCC Highways initially raised concerns over the visibility splays and site access. Further information was provided on these issues and KCC confirmed that visibility splays would be achievable but some widening of Church Road, at the access point was required but that policy criteria was required in relation to how the access point should be used, alterations required to the Canterbury Road junctions to manage vehicle movements and an uncontrolled pedestrian crossing. These requirements were agreed with KCC and the policy criteria e, f, g were included. KCC also recommended additional wording in relation

<sup>24</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)





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to the need for a Transport Assessment at point n.

55. KCC Highways agrees that due to its location, traffic generated by this site would be expected to distribute fairly evenly across the network, so the net impact on Church Lane should be minimal and would not constitute a significant impact on Church Lane, despite its constraints. Safe and suitable access can be achieved for vehicles via an access onto Church Lane accompanied by some localised widening along the site's frontage.
56. A modification to the wording at g, is proposed in SD06 (AM77) to add more detailed requirements in relation to the need for specific connections and enhancements to PROW ER116 and ER115 to be resurfaced to allow for movement in all weathers. This is agreed in the statement of common ground between the Council and KCC. However, KCC has subsequently requested further wording in relation to the surfacing for all weathers to ER116 specifically, and the council would raise no objection to this addition.
57. An outline planning application has been submitted for this site<sup>25</sup>. The proposal incorporates an access from Church Lane. At the time of writing the response to this question, KCC Highways has not submitted its comment on this proposal.

**Q2 How have the effects of development on the setting of heritage assets such as the Grade II\* listed St Mary's Church been considered? Can a suitable scheme be achieved on this site whilst maintaining the significance of the heritage asset?**

#### Q2 DDC Response:

58. The effects of development on the setting of heritage assets have been considered through the Council's site assessment process, through the HELAA and Sustainability Appraisal. This has been an iterative assessment through the plan making process, taking account of responses received through consultation and additional information submitted in relation to the site.
59. Through the HELAA, the site was subject to a heritage assessment carried out by the Council's Principal Heritage Officer. The original heritage assessment of the site is set out in Appendix 3C of the HELAA and states (in summary):
  - The site is within the setting of the Grade II\* listed church.

<sup>25</sup> 23/01061 Outline proposal for the erection of 23 dwellings including affordable housing with associated parking, infrastructure and open space (all matters reserved except access)



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- The site is adjacent to a historic farmstead which includes a Grade II listed. Farm buildings may be curtilage listed.
  - Site is partially shielded from the farmstead by vegetation and large modern shed, but is visible from the footpath (which includes the Grade II listed church within the context).
  - Development should be sensitive to the setting of the of the farmstead as a group of historic buildings with a rural/agricultural function.
  - Development should be restricted to the southernmost part of the site. A significant buffer zone should be imposed, and density significantly decreased to ensure the setting of the farmstead and church is not compromised.
  - Part of the site (north-east corner) is visible from the grade II\* listed St Mary's Church and adjacent to a historic farmstead which includes a grade II listed farmhouse and other historic agricultural buildings (potentially curtilage listed).
  - The site is visible within the setting of these heritage assets from a footpath.
  - Development has the potential to impact on the setting of the historic farmstead which is characterised by their rural landscape context.
60. Development that makes appropriate consideration to the setting of the designated heritage assets will be achieved through the site-specific requirements of the Policy.
61. Criteria b) requires development to be located to the southern part of the site, to allow a strong landscape buffer and lower density in the north to reduce potential harm to the setting of the designated heritage assets. The form of development and any mitigation measures will be guided by a Heritage Assessment, required through criteria k) and Policy HE1. It has come to light through the planning application that development needs to be focused to the east of the site in order to respond to surface water flood risk, rather than the southern boundary. It is the council's view that a buffer zone to the west of the site will reduce harm to the setting of the farmstead. To reduce the potential harm to the setting of the church there should be strong boundary tree planting on the northern boundary; this should be outside the boundaries of any private garden plots to ensure that the mitigation is maintained. The following Post Submission Modification is proposed:
- b) Development should be restricted to the ~~southernmost~~ southernmost easternmost part of the site with a significant buffer zone to the west and a strong hedge and tree boundary to the north (outside private garden plots) ~~and density significantly decreased~~, in order to reduce potential harm to the setting of the farmstead and the Grade II\* church.



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**Q3 What is the justification for the suggested changes to Policy SAP47? Why are they necessary for soundness?**

#### Q3 DDC Response:

62. Proposed Additional Modification (AM77) set out in the SD06 Schedule of Additional Modification<sup>26</sup> includes four distinct suggested changes.

1. Criterion (a): It was an error not to include reference to the Grade II\* listed church alongside reference to the historic farmstead. This change is not necessary for soundness, since there is a statutory obligation on decision makers to have special regard to the desirability of preserving the setting of this building and para 200 of the NPPF gives further advice on development within the setting of a designated heritage asset. The change is a factual and helpful clarification which will improve the consistency of the policy with the NPPF.
2. Criterion (g): The replacement of the reference to 'eastward' bus stop, with 'westward' bus stop is a factual clarification.
3. Criterion (g): A third amendment inserts a requirement for development at the site to seek connections and enhancements to the PROW ER116 and ER115, where possible. The Council does not consider this change is necessary for soundness. It does however respond to a comment from Kent County Council and may result in enhancements to the accessibility and connectivity of the site.
4. Criterion (h): The deletion of the reference to wintering bird surveys is in response to the recommendations of the updated HRA March 2023 as set out in the Council's response to Matter 1 Issue 7 Question 2. This is to ensure the plan is justified by the evidence base. This change is necessary for soundness and will ensure the policy is consistent with Policy SAP13.

#### *Policy SAP48 – Apple Tree Farm, Preston*

**Q2 Is the site all within the same ownership? Is it deliverable in the form allocated in the Plan?**

<sup>26</sup> [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)



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#### Q2 DDC Response:

63. The site is in four separate ownerships.

- a) PRE003: This is the part of the site adjacent to Stourmouth Road and is in separate ownership. At the Regulation 19 consultation, the Agent representing the landowner of the site stated:

*"My client has been in discussions with Preston and Elmstone Parish Council (owner of the largest tranche of associated land) and with their preferred developer and progress is being made with regard to achieving an agreement for development of the land. My client has, in addition to Red House Design, instructed solicitors, accountants and land agents to assist with the agreement of terms, which we expect to be concluded prior to adoption of the new local plan. Should for any reason the above not come to fruition it is my clients intention to submit a planning application for consideration and, pending approval, arrange sale of the land for development which we would again expect to be realised within the same 5 year period stated above."*

- b) PRE017: This (middle) part of the site is owned by Preston and Elmstone Council.

- c) PRE016: This is the westernmost site. Again, this is in separate ownership (and in part owned by Dover District Council). At the Regulation 18 consultation Quinn Estates confirmed that the site was capable of coming forward on its own due to separate access via a private road. At the Regulation 19 consultation Icini (representing Quinn Estates) state the following:

*"The site is formed by four parcels that are all linked together, with Quinn Estates being in control of three of the landholdings and Dover District Council in control of the 4<sup>th</sup>."*

*"Quinn Estates support all the design and landscape criteria included in the policy. Quinn Estates are particularly supportive of criterion d), which details that primary vehicular, pedestrian and cycle access to the whole of the site shall be provided from Stourmouth Road, with access provided to each site boundary. This criterion is considered necessary, given the land is in multiple ownership and it reduces any perceived ambiguity regarding the need for a holistic development where the sum of the parts adds up to a high quality, unified development site."*

*Supporting Paragraph 4.283 of the draft Local Plan explains that although the site is made up of separate parcels it should all be designed and implemented as one contiguous scheme, where possible. Quinn Estates aims to bring forward all four parcels themselves through a single development and this will ensure the cohesiveness of the development."*



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*Through unifying the land parcels together in a single Masterplan layout, Quinn Estates is confident it can effectively and suitably deliver a high quality development of a minimum of 75 homes across the Site."*

64. It is the Council's view that the site is deliverable in the form allocated in the Plan. Clearly, criteria d) of the Policy is critical to ensure suitable access which reaches from the road at PRE003, through PRE017 to the westernmost part of the site (PRE016).

**Q3 What is the justification for the suggested changes to Policy SAP47? Why are they necessary for soundness?**

#### Q3 DDC Response:

65. Proposed Additional Modification AM78 in SDO6<sup>27</sup> is a minor change to delete reference to light industrial units in the policy. The reference to light industrial units is an error and the Council considers this to be a minor factual update and does not consider this to be a main modification or a change necessary for soundness.
66. AM79 inserts a requirement for development at the site to seek connections and enhancements to PROW EE480, where possible. The Council does not consider this change is necessary for soundness. It does, however, respond to a comment from Kent County Council and may result in enhancements to the accessibility and connectivity of the site. It has been agreed in the statement of common ground with KCC.

#### Policy SAP49 – Worth Small Housing Sites

**Q1 What is the latest position regarding proposals for site WOR006?**

#### Q1 DDC Response:

<sup>27</sup> [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)



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67. A recent planning application<sup>28</sup> for 30 dwellings (which was validated in June 2023) was refused planning permission on the 20<sup>th</sup> September 2023. The reasons were as follows:
- a) *The proposed development would be located outside of any settlement confines, it would not functionally require a rural location and would not be ancillary to existing development. It would represent disproportionate growth to the settlement, being of a scale that is inappropriate to the size of the village and the range of services, facilities and infrastructure serving it. It would generate significant travel demand and would constitute unsustainable development due to the reliance on private car travel to access everyday services and facilities, with little alternative, more sustainable, options available. In addition, by virtue of the size of the development, it would not be compatible with the character and layout of the settlement. It would therefore represent an unsustainable form of development contrary to policies WDP02 of the Worth Neighbourhood Plan, CP1, DM1, DM11 and DM15 of the Core Strategy, and SP1, SP3, SP4, SAP49 and TI1 of the draft Local Plan.*
  - b) *The development would result in an unacceptable intrusion into the open countryside, with no appropriately designed landscape buffer proposed. As such it would not conserve and enhance landscape character. Insufficient information has been submitted to allow an assessment of the implications of the development on the setting of the grade II\* listed church, including within the surrounding landscape. Consequently, it would be contrary to policies DM15 and DM16 of the Core Strategy, and SP4, SAP49, HE1 and HE2 of the draft Local Plan.*
  - c) *Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecological and nature conservation value of the surrounding European Protected Sites. In the absence of this information the proposal would be harmful to matters of ecological importance and a likely significant effect on the European protected sites cannot be ruled out. The local planning authority cannot positively conclude (through an appropriate assessment under the Conservation of Habitats and Species Regulations 2017) that the development would not be harmful to the conservation objectives of the European protected sites. The development is therefore contrary to the Conservation of Habitats and Species Regulations 2017 (as amended), draft policies SP13, NE3 and paragraphs 174, 180 and 181 of the National Planning Policy Framework.*
  - d) *The proposed development has failed to demonstrate that it has passed the sequential test, and does not apply a sequential approach to the siting of development within the site. As such, the proposed development represents an unacceptable increased risk to flooding, contrary to Section 14 of the*

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<sup>28</sup> 23/00769 | Outline application for the erection of 30 dwellings, new vehicular access, parking and gardens (all matters reserved except access and layout)



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*National Planning Policy Framework and draft local plan policies SP1, SAP49 and CC5.*

68. Please note that the application site was larger (extended further east) than the land proposed by the Council for allocation WOR006.

**Q2 Site WOR006 is located within Flood Zone 2/3. How is development expected to mitigate against any potential harm or risk? Can the requirements of national planning policy in relation to flood risk be met?**

#### Q2 DDC Response:

69. Approximately 50% of the site is located within Flood Zone 2 only. As such, the reference to Flood Zone 3 should be deleted from the policy. The Council considers this to be a minor factual update and does therefore not consider this to be a main modification or a change necessary for soundness.

Amend site-specific issues and requirements as follows:

“The site is located in Flood Zones 2 ~~and 3~~ and is at risk of flooding from surface water”.

70. Policy WOR006 seeks to ensure that the sequential approach is applied to the layout of the site. This approach would expect to see dwellings focused on the lowest risk part of the site, leaving the remainder of the site for sustainable drainage features, such as ponds, and open space with biodiversity benefits. The application of the sequential approach to the layout of the site may also result in an internal arrangement of dwellings that respond to any flood risk. This might include ensuring that habitable accommodation is above design flood level.
71. The Council has applied the sequential test as required by the NPPF. The Exceptions Test is not required because this is a ‘more vulnerable’ use in Flood Zone 2. The answer to Matter 1, Issue 5, Question 1 and 2 explain how the Council applied the sequential test.
72. The Environment Agency did not make any objections to this proposed allocation at the Regulation 19 consultation.



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**Q3 What is the justification for the suggested changes to Policy SAP49?  
Why are they necessary for soundness?**

#### Q3 DDC Response:

73. As set out in SD06<sup>29</sup> AM80, relating to WOR006 inserts a requirement for development at the site to seek improvements and / or connections to the PROW and bridleway network. The Council does not consider this change is necessary for soundness. It does, however, respond to a comment from KCC and may improve the accessibility and sustainability of the site. Please note that in the Statement of Common Ground with KCC, the Council has indicated that there would be no objection to also referring to the relevant footpaths by reference number, as per their objection. If the Inspector considers this improves the consistency of the plan with national policy (delivery of sustainable development) or the effectiveness of the policy, then the Council would raise no objection to this modification also being made.
74. Additional Amendment AM80 also adds an additional requirement for a Heritage Assessment because the site is adjacent to a Conservation Area and there are listed buildings nearby. The Council does not consider this change is necessary for soundness (it is a factual change because Policy HE1 will require the preparation of a Heritage Statement in any case) but it will add clarity and will improve the consistency with site WOR009 requirements.
75. AM81, relating to WOR009 inserts a requirement for development at the site to seek improvements and / or connections to the PROW and bridleway network. The Council does not consider this change is necessary for soundness. It does, however, respond to a comment from KCC and may improve the accessibility and sustainability of the site.
76. Please note that in the Statement of Common Ground with KCC, the Council has indicated that there would be no objection to also referring to the relevant footpaths by reference number, as per their objection. If the Inspector considers this improves the consistency of the plan with national policy (delivery of sustainable development), or effectiveness of the policy then the Council would raise no objection to this modification being made.

<sup>29</sup> [SD06 Schedule of Additional Modifications to the Regulation 19 Submission Plan March 2023 \(doverdistrictlocalplan.co.uk\)](https://www.doverdistrictlocalplan.co.uk)





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##### *Policy SAP50 – Short Street, Chillenden*

**Q1 What effect will the allocation have on the rural character of Chillenden?  
How has this been considered as part of the preparation of the Plan?**

#### Q1 DDC Response:

77. As set out in response to Matter 2, Issue 3, Question 1, the distribution of growth set out in the Plan was developed through the iterative plan making process. It started with the strategic options which performed most favourably in the sustainability appraisal, which are those based upon the settlement hierarchy, focusing development in the areas with the greatest access to existing services and facilities. The higher a settlement is on the District's settlement hierarchy, the more sustainable it is considered to be in terms of the range of its existing services and facilities, and its access to those services by public transport. Chillenden is classified in the settlement hierarchy as a smaller village or hamlet where small scale, minor developments are most likely to be appropriate where they can be sustainably located.
78. As set out in response to Matter 2, Issue 4, Q1, the process for deciding which sites to allocate has been an iterative one, evolving through various stages of plan production and evidence base gathering. It included an assessment through the HELAA which included consultation with relevant statutory bodies, and in some cases a landscape consultant and internal heritage officers in order to fully understand site constraints. The site assessment process was also based on officers' view following a site visit.
79. In Chillenden, there were 2 suitable/potentially suitable sites identified through the HELAA, and of these the Short Street site (GOO006) was felt to have less visual and landscape impact than the site at Chillenden Court Farm (GOO007) due to its containment by existing trees and boundary vegetation. Therefore, only site GOO006 was allocated in Chillenden.
80. Part of site GOO006 is constrained by surface water flooding, though it is felt that this could be suitably mitigated through the layout of development. Impacts on the adjoining listed building at The Grange would be partly mitigated by the presence of a tall hedgerow to the west of the site which reduces intervisibility, and the policy requirement to retain and enhance the landscape buffer around the site can provide further screening.
81. With regards to what effect the development will have on the rural character of the settlement, DDC concludes that the allocation of this site for minor development via



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a low-density, well-designed housing scheme, which will be designed in accordance with the site specific criteria and all other design and placemaking policies within the plan will achieve a scheme appropriate for the location which would be in keeping with Chillenden's low-density, largely detached grain of existing properties which makes up part of the character.

82. The design would additionally need to be sensitive with regard to the character of the conservation area which covers around a fifth of the site (the area to the west of the track) and borders the remainder of the site on its southern and western boundaries. The requirement for a Heritage Assessment has been identified as a site-specific issue and this would be carried out in accordance with Policy HE1. .

**Q2 What is the justification for stating that the site is suitable for executive homes? Is it clear to users of the Plan what type of housing is proposed?**

#### Q2 DDC Response:

83. The NPPF at paragraph 62 requires planning policies to reflect the needs of different groups in the community in terms of size, type and tenure. The Plan seeks to meet the need for affordable housing through SP5, while policies H2-H5 and PM2 address the housing needs of specific groups within the community. The Plan's site allocations provide for general market housing of mixed sizes and in varying locations.
84. Evidence from the SHMA Part 2 Partial Update (2019) shows that a 33% increase in owner-occupied homes with four or more bedrooms will be required during the Plan period in order to meet demand for this size of property (2,532 new properties in total). While it is reasonable to expect that much of this need will be met through market housing and via policy H1, the Council has, through its HELAA and subsequent site allocations, sought sites which could contribute to meeting the differing needs described at paragraph 62 where possible.
85. Linked to the answer provided to Q1 above, the Council considers the Short Street site is an appropriate location for a low-density, well-designed housing scheme. This lends itself to the provision of executive homes on the site which would relate to the low-density, largely detached grain of existing properties in Chillenden.
86. The site is opposite a small development of 1980s detached, executive type houses and the Council considers that this housing type could also be an appropriate typology for the SAP50 site. The Council would raise no objection to adding further clarification to this within SAP50.



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*Policy SAP51 – Land Opposite the Conifers, Coldred*

**Q1 What is the latest position regarding proposals for the site?**

**Q1 DDC Response:**

87. Planning Committee resolved on 23<sup>rd</sup> March 2023 to grant outline permission (with all matters reserved) for 5 detached dwellings under application reference 21/00882. At the time of writing, a Section 106 agreement is being prepared.

*Policy SAP52 – Prima Windows, Nonington*

**Q1 What is the latest position regarding proposals for the site?**

**Q1 DDC Response:**

88. Planning Committee resolved on 13<sup>th</sup> July 2023 to grant full planning permission for the erection of 27 dwellings with associated access, parking and landscaping under application reference 21/01615. At the time of writing a Section 106 agreement is being prepared.

*Policy SAP53 – Land at Ringwould Alpines*

**Q1 Does the site allocation represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered?**

**Q1 DDC Response:**



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89. Land at Ringwold Alpines, Dover Road, Ringwold (allocated for 10 units) is located wholly within the AONB, however is not considered to be major development in the AONB and the AONB Unit agrees with this assessment in their Regulation 19 Representation (SDLP273) and Statement of Common Ground.
90. The site is not considered to be major development in the AONB. It is closely related to existing development in Ringwold, is partly within the settlement confines (defined on the Policies map and referenced within policy SP4) and is adjacent to a significant road.
91. The potential impacts of development on the character and appearance of the area, including the AONB, has been considered through the Council's assessment of sites in the HELAA and SA, informed by consultation with the Kent Downs AONB Unit. This has been an iterative assessment through the plan making process, taking account of responses received through consultation as described below:
- During consideration of the site in the 2020 HELAA, the site was subject to a site visit and no known heritage impacts were identified. Comments were received from the AONB Unit (on the draft allocation of RIN004) who commented that the site's location wholly in the AONB was not acknowledged in the policy, and that the requirement for existing trees and hedgerows to be retained and enhanced was supported. The Council therefore added reference to the site being within the AONB into the Submission Local Plan.
  - The site was subject to sustainability appraisal prior to the Regulation 18 consultation in January 2021. Both documents were subject to consultation.
  - Post the Reg 18 stage, consultation with the AONB Unit (HELAA 2020 Appendix 3g)<sup>30</sup> resulted in a comment which supported the Council's policy wording re the retention and enhancement of trees and hedgerows and raised no objection to the inclusion of site RIN002 in the Submission Local Plan in addition to RIN004, with a combined capacity of 10 dwellings.
  - In 2022 the HELAA identified the site as 'suitable' and the site was subject to Sustainability Appraisal which informed the final selection of sites.
  - The site was subject to public consultation at the Regulation 19 stage. Further comments were received from the Kent Downs AONB Unit.
92. It is the Council's view that sensitive design (with particular attention to roof form, materials and colour), and retention and enhancement of trees and hedgerows at the boundary, will mitigate potential landscape visual impacts, which is agreed in the Statement of Common Ground with the AONB Unit.

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<sup>30</sup> [GEB09d-HELAA-Appendix-3-a-to-g-HELAA-2020-Site-Assessments-October-2022.xlsx \(live.com\)](#)



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**Q2 Is it sufficiently clear what is expected of applications for planning permission in respect of additional infrastructure requirements including surface and wastewater drainage.**

#### Q2 DDC Response:

93. It has been noted by the Council that a policy criterion relating to wastewater infrastructure has been duplicated in policy SAP53. As a result, there were two 'Key Considerations' identifying the need for the site layout to be planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes, which were added as a result of a representation received from Southern Water at Regulation 18 stage of plan making.

94. The Council therefore proposes the following further post submission modification to the policy to remove one of the references as this would create some confusion as drafted. The Post Submission Modification is proposed as follows:

~~The layout of the site should be planned to ensure future access to existing wastewater infrastructure for maintenance and upsizing purposes.~~

95. The Council considers this to be a minor factual update and does therefore not consider this to be a main modification or a change necessary for soundness.

*Policy SAP54 – Land at Durlock Road, Staple and Policy SAP55 – Woodnesborough Small Housing Sites*

**Q1 What is the latest position regarding proposals for site WOO005?**

#### Q1 DDC Response:

96. The Council received an application for 8 dwellings associated landscaping and parking (existing buildings to be demolished) in May 2023 under reference 23/00521. The application was most recently amended in August 2023 and accordingly no decision has been made at the time of writing.



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#### Q2 Are Policies SAP54 and SAP55 justified, effective and consistent with national planning policy?

#### Q2 DDC Response:

97. The NPPF at paragraph 35 states that Plans are 'sound' if they are: ...
- a) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
  - b) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
  - c) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant”.
99. Policy SAP54 allocates Land at Durlock Road, Staple for an indicative 3 dwellings. Policy SAP55 allocates Beacon Lane Nursery, Beacon Lane, Woodnesborough for an indicative 5 dwellings and Land south of Sandwich Road, Woodnesborough for an indicative 10 dwellings. The site allocation policies set out that planning permission will be granted for proposals that a) accord with the policies in the Local Plan and b) address the key development considerations for each site, which are then set out on a site-by-site basis.
100. In allocating the three sites referred to, the Plan reflects its evidence base where each was found suitable and available for development. [ED3 Selection of Site Allocations – Housing Sites Addendum \(2023\)](#) sets out the scale of development which was identified as appropriate in smaller villages and hamlets and justifies the selection of the sites allocated over other options within the same settlement. The site allocations are therefore justified.
101. Through the HELAA availability exercise (2019) (STA004 & WOO006) and subsequently through representations made by the site promoter at Regulation 18 stage and the submission of a planning application (WOO005), the Council has taken steps to ensure that the sites would be delivered within the Plan period and the sites are therefore effective.
102. Each site would be expected to provide market housing which would contribute towards meeting the Council's housing need as per NPPF paragraph 62, and due to



## **Council's Response to Inspectors' Matters, Issues, Questions**

### **Matter 3 – Housing Allocations**

#### **Issue 9 – Housing Sites in Villages**

Woodnesborough being a Designated Rural Area under SP5 site WOO006 would also be expected to provide affordable housing towards the District's identified need for the same. By making small site allocations in Staple and Woodnesborough, policies SAP54 and SAP55 will help to maintain the vitality of rural communities as per paragraph 79 of the NPPF. Accordingly, the site allocations are consistent with national policy in bringing forward sustainable development and affordable housing.