

## Officer Report

Application No.	25/1513/FH
Site Address	18 BLAND DRIVE, HAWKINGE, FOLKESTONE, CT18 7PX
Officer Name	Lizzy Nash
Proposal	Retrospective change of use of land to the side of property into domestic residential curtilage use (C3) and erection of boundary fence.

## Recommendation

Report Number	RD-438433
Recommended Decision	Recommended to be Refused
Recommendation Date	01 October 2025

## Report

### Site

The application site is a two-storey dwelling set to the north-west of bland drive it consists of a pitched tiled roof, brick elevations and a single storey porch to the front elevation. The proposal dwelling is partially attached to the neighbouring dwelling through a single storey pitched roofed addition. The dwelling has been previously extended by a two-storey side extension with a front facing dormer window. The boundary to the south of the dwelling is that of the estate and the land to the south opens up to fields with a public footpath that runs to the rear of the site and cuts across the field. The boundary treatments along the field is a mix of hedgerows and trees and is consistent along its full length, although much as been removed along the boudnary with the application site to allow for the erection fo a close-boarded fence which is subject of tis current proposal and already in situ.

The site sits within the Kent Downs National Landscape, SSSI Impact Risk Zone and an Archaeological Notification Area.

### Relevant Site History

Y14/0665/FH – Erection of a two-storey side extension – Approved with Conditions

Y07/0659/SH – Variation of condition 3 of planning permission 95/0332/SH to allow use of garage as living accommodation together with erection of two storey side extension incorporating garage – Approved with Conditions

Y05/0205/SH – Non-Compliance with condition no. 7 of planning permission 95/0332/SH to allow mill lane to remain open for vehicular access - Approved

99/0693/SH – Amended layout and design 75 dwellings as approved under planning permission 95/0332/SH (as amended) – approved

95/0332/SH – Erection of 195 houses and garages including associated roads and sewers (as amended) – Approved with Conditions

90/0883/SH – Outline application for residential development (as amended) – Approved with Conditions

### **Proposal**

This application seeks permission for the following:

- Change of use of land to the south of the dwelling to residential
- Relocation of fence to the south by approximately 2.5m at its longest point and 0.78m at its shortest point

The works are fully retrospective and have been completed on site.

### **Consultation Responses**

Consultation responses are available in full on the planning file.

Hawkinge Town Council – Object on following grounds: Removal of buffer strip would harm National Landscape.

National Landscape – Objection. Comments are summarised below:

- Incorporation of buffer strip into
- Buffer zone softens the impact of the built form on the surrounding open landscape
- Installation of close-boarded fence along boundary provides a hard edge between the development and open countryside
- Proposal would fail to either conserve or enhance the natural beauty of the National Landscape
- Suggest reinstatement of the buffer strip and the removal of the fencing

### **Representations**

No representations have been received.

#### Relevant Policies

NPPF and NPPG

Paragraph 11, 48, 131, 135 and 189

#### Places and Policies Local Plan (PPLP):

HB1 and HB8

### **Appraisal**

#### Background

The application seeks to extend the domestic curtilage by applying for a change of use for the area of land to the south-east of the existing rear garden and side of the dwelling that is stated to be recently acquired by the applicant. The adjacent land is an agricultural field with a boundary edge providing separation from the dwelling's boundary. This area was separated from the dwelling's amenity space by a timber close boarded fence and included several mature trees and hedging that was originally part of a buffer strip provided as part of the 1995 application (95/0332/SH). This has been fully removed and a new fence erected around the proposed new boundary and in closer proximity to the open field adjacent.

Condition 11 of the 1995 permission states:

*The landscaping required by condition 5 shall be provided for a 5 meter planting strip to the southern boundary of the site to comprise native trees and shrubs, which shall be implemented within the first planting season following the implementation of this permission.*

*Reason: To provide an effective boundary treatment to the site and in the interest of visual and public amenity.*

Within the discharge of condition 5 the area to the south-east of the site is indicated to be planting.

### Design and Visual Appearance

The proposed extension to the residential curtilage and the re-located close boarded timber fencing is highly visible from the public footpath that runs along the rear boundary of the site out onto the fields to the north-west. This provides both close and long-range views of the proposal, and is also visible from Cowgate Lane. The existing boundary treatment to the south of the development, consists mainly of large mature trees, hedging and planting with no gaps or breaks. This softens the appearance of the built form of the development and acts as a visual buffer when approaching the site from the east.

The proposal close boarded timber fencing has been erected along the south-east boundary of the site, closer to the open agricultural fields and countryside. In order to achieve this, a section of soft landscaping has been removed (including trees and shrubs), visually exposing urban form into view. Close boarded timber fencing is typically found in domestic settings such as this, as is common within the wider estate however, its appropriateness adjacent to open countryside settings or on the edge of settlements is not ideal. In this case, the use of this type of fencing along the boundary shared with the open fields has resulted in introduction of an urban and overly domestic form of development, which is visually at odds with the rural character of the wider area.

While it is noted that the previous boundary treatment surrounding this property was also formed of a close boarded timber fence, this was set back from the site edge, screened by the approved landscaping buffer (which has now been removed) and was therefore not visible from outside of the site meaning that it did not result in a harmful visual impact. Consideration as to whether additional soft landscaping and screening could be provided in front of the fencing has been given, however this would not be possible given that there is no land within the ownership of the applicant available to allow additional planting. Conditioning of planting to screen the fencing is not in therefore considered reasonable in this instance.

In light of the above the proposal would result in urbanising development within the countryside to the detriment of the surrounding areas character and appearance.

### Impact on National Landscape

The application site falls within the Kent Downs National Landscape, policy NE3 seeks to ensure that the impact of proposals on the National Landscape either individually or cumulatively are carefully considered. It also states that proposals need to reinforce and respond to rather than detract from the distinctive rural character of the surrounding site.

The proposal site sits within the settlement boundary of Hawkinge which runs along the southern boundary of the estate. However, as highlighted above the site is widely visible within the wider area particularly from the public right of way and Cowgate Lane. The areas to the east and south of the site are characterised by a mix of open fields, woodland and small areas. This landscape is typical of that surrounding Hawkinge and the wider National Landscape.

The proposal has removed a key buffer that softened the appearance of the sub-urban character of the estate. The fencing further exacerbates this by introducing a boundary treatment that has a stark urban residential appearance that is at odds with the rural appearance of the wider landscape. This results in harm to the appearance of the National Landscape. Therefore, the proposal would fail to preserve or enhance the appearance of the National Landscape and would be contrary to PPLP policy NE3 and chapter 189 of the NPPF.

In addition to the above, the Countryside and Rights of Way (CRoW) Act 2000, section 85 requires local authorities to ensure that they seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The proposal as discussed above would conflict with the above duty and therefore is recommended for refusal.

### Other Matters

The proposal is limited to the addition of a fence and increase in the size of one plot this would have no impact on the residential amenity of the occupants of surrounding dwellings.

The site is within both an Archaeological notification area and SSSI impact risk zone, however due to the minor scale of the development mitigation measures are not required.

The proposal also included the removal of several trees and hedging from the south-east of the main dwelling, while this contributes to the overly residential appearance of the proposal, these trees are not under a Tree Protection Order or within a Conservation Area and as such their removal while regrettable does not amount in itself to a refusal reason.

### **Human Rights**

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

### **Public Sector Equality Duty**

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

### **Duty to cooperate**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service

and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance the application was considered unacceptable and there are no amendments to the proposal that would make it acceptable.

**Recommendation**

Considering the above, the proposal results in harm to the character and appearance of the wider rural Landscape and fails to preserve or enhance the character of the National Landscape. It is considered that planning permission should be refused.

**Recommended Refusal Reasons (1)**

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The proposed fence, due to its design, scale, siting and appearance, results in the loss of a landscaped buffer strip and replaces it with a stark and overly urban feature that detracts from the rural character of the surrounding countryside and wider National Landscape, particularly in views from the public footpath to the east of the site. As such, it would fail to preserve or enhance the distinctive qualities of the National Landscape, contrary to Policies HB1 and NE3 of the Places and Policies Local Plan 2020, and paragraph 189 of the NPPF.

**Suggested Informatives (1)**

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Your attention is drawn to the fact that this refusal of planning permission is on the basis of the following submitted documents:

Planning, Design and Access Statement (Received: 11/08/2025)

SC312 P64A Location Plan (Received: 11/08/2025)

SC312 P2A Existing Site Plan (Received: 11/08/2025)

SC312 P4A Existing boundary elevation (Received: 11/08/2025)

