

Officer Report

Application No.	25/1438/FH
Site Address	SCHOOL HOUSE, THE STREET, LYMPNE, HYTHE, CT21 4LQ
Officer Name	Macey Douglas
Proposal	Erection of a steel framed cladded storage shed and timber fencing to west boundary to footpath.

Recommendation

Report Number	RD-438361
Recommended Decision	Recommended to be Refused
Recommendation Date	03 October 2025

Report

Site

The site is situated within the Kent Downs National Landscape outside of any defined settlement boundary. To the south of the site is the Lympne Conservation Area and several Listed Buildings including Lympne Hall, The Sanctuary and the Grade I Listed Lympne Castle.

The dwelling features a residential garden bounded by a 1.80 metre fence to the north and rear of the site. Within the same ownership beyond, there is a large agricultural field which surrounds the site to the north and east of the application site. The area is approximately 0.275 sq. metres

This area is largely flat but features no domestic paraphernalia and has the characteristics of a grazing pasture.

Relevant Site History

No recent or relevant site history.

Proposal

Planning permission is sought for the erection of a detached storage shed. The proposed shed would be situated to the north of the dwelling outside of the application sites residential garden where the area is separated by a 1.80-metre-high timber fence. The shed would be finished in timber and would measure approximately 5.00 metres in height, 9.50 metres in width with a depth of 12.65 metres.

The proposal also seeks to erect a 1.80-metre-high timber fence to the western boundary which runs adjacent to the PRow.

Consultation Responses

Lympne Town Council – Object. The proposal would not be in keeping with the Kent Downs National Landscape Area. Unclear on the appearance. Impact on trees.

Representations

Three letters of objections have been received. These comments have been summarised below

- Poor design
- Impact on neighbours
- Impact on national landscape
- Out of character
- Scale

One comment has been received in support of the proposed development. These comments have been summarised below

- Would be covered by trees
- Needed for storage

Relevant Policies

NPPF

Paragraphs 11, 48, 131

Places and Policies Local Plan (2020):

HB1 (Quality Places Through Design), HB8 (Alterations and Extensions to Buildings), T2 (Parking Standards)

Core Strategy Review (2022)

SS1, SS3, CSD3

Section 85 of the Countryside and Rights of Way Act 2000

Appraisal

Principle

The Settlement Hierarchy, set out within the Core Strategy, provides a framework to concentrate development in selected locations so as to maximise efficient use of existing infrastructure and support business and community facilities. To maintain the character and integrity of the countryside and protect small rural places, the extent of settlements is defined through boundaries separating settlements from open countryside. The application site lies outside any defined settlement boundary and as such is considered to be within the countryside for the purpose of applying planning policy. The key policy considerations in terms of the principle of the development are Core Strategy Policies SS1 and SS3, that advise development in the open countryside (defined as anywhere outside of settlements within table 4.4 (settlement hierarchy) will only be allowed exceptionally, and where a rural location is essential.

The proposed shed and fencing are sited outside of the lawful residential curtilage on land which forms part of the surrounding open countryside and within the designated national landscape area. While the land may be within the applicant's ownership, it is not within the defined domestic garden area and therefore is outside of the residential curtilage of the site.

No substantive justified reason has been provided for locating the development beyond the established residential curtilage and as such the proposal is considered to conflict with local development plan policies that seek to protect the countryside from unjustified development and therefore fails to seek to protect and enhance the intrinsic beauty and special character of the

National Landscape. The proposal is therefore considered to be contrary to policies SS1, SS3 and CSD3 of the PPLP.

Design, Visual Appearance

The proposed shed is proposed to be situated to the north of the site with a 1.80 metre fence extending along the entire western boundary next to the PRoW which leads to Lympne Castle. The proposed development would be widely visible from the surrounding area given the open character of the surrounding area. Given the scale and footprint and scale of the building as well as the large extensive nature of the fencing up against the footprint the proposed development is considered to be unacceptable in terms of its impact on the character and appearance of the application site, street scene, wider countryside and National Landscape.

While the proposed development is outside of the Lympne Conservation Area and the site itself, given the close proximity of the site, the development has the potential to impact the setting of the heritage assets. Although the PRoW is a direct path which leads to the Conservation Area and the surrounding listed buildings including the Grade I Listed Lympne Castle, given that it is not directly within the setting of these heritage assets, it is not considered that the proposed development would have an impact on these heritage assets.

However, under the Countryside and Rights of Way (CRoW) Act 2000, Section 85 development must seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape. The proposal by virtue of the buildings bulk scale and massing, alongside its prominent location to the front of the site, it is considered to be harmful to the special character and appearance of the National Landscape. The proposal would therefore fail to improve the overall appearance of the application site and the surrounding character of the area, failing to further the purpose of conserving the natural beauty of the National Landscape.

Residential Amenity

The proposed development, given the position and orientation of the development would not have an impact upon the residential amenity of the surrounding neighbouring properties and their occupants. Therefore, in this regard the proposal would be acceptable.

Parking and Highways

The proposal would have no impact on parking or highways.

Trees

To the north of the site, there are several trees all of which are subject of a group TPO, No. 04 of 1995.

Through consultation with the Council's Arboricultural Officer, it has been confirmed that the pre-development tree report, clearly sets out how the proposed structure will be constructed as well as a detailed specification of the proposed tree protection measures in accordance with BS5837:2012.

The proposal would see the removal of a tree to accommodate the shed, however, the tree proposed to be removed however is largely unremarkable and its impact of its removal is negligible in this instance. The raising of the canopy of the other tree is considered to be reasonable.

In the event of an approval, conditions should be imposed to ensure the compliance with the submitted details at all phases of the development as set out in the pre-development tree report,

with a replacement tree required to mitigate against the loss of the sycamore as well as a 5-year management plan for securing the establishment of the tree.

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.

Duty to Cooperate

In accordance with paragraph 38 of the National Planning Policy Framework 2023 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.

Recommendation

In light of the above, the proposed development is unacceptable for the reasons set out above and should be refused.

Recommended Refusal Reasons (2)

1

The proposed development, by virtue of its siting outside the residential curtilage, within the open countryside outside the defined settlement boundary, would constitute an inappropriate and unjustified encroachment of development in the countryside without any overriding justification being provided. The proposal is therefore contrary to policies SS1, SS3 and CSD3 of the adopted Core Strategy 2022 and policies HB1 and NE3 of the adopted Places and Policies Local Plan 2020.

2

The proposed development, by virtue of its design, siting, scale, bulk and mass,

would amount to an incongruous and obtrusive form of development, that would be significantly harmful to the visual amenity of the application site, wider countryside, and would fail to further the purpose of conserving and enhancing the natural beauty of the Kent Downs National Landscape. The proposal would therefore be contrary to policies HB1, HB8 and NE3 of the adopted Places and Policies Local Plan (2020), the advice of the NPPF.

Suggested Informatives (1)

1

This decision is based on the following drawings and documents:

Site location plan - received 12/08/2025

25039BW-PP-(13)03 Proposed Block Plan - received 01/08/2025

25039BW-PP-(03)01 Proposed Plans & Elevations - received 01/08/2025

25039BW Heritage Statement - received 01/08/2025

Arboricultural Impact Assessment - received 01/08/2025