
Appeal Decision

Site visit made on 22 September 2016

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 November 2016

Appeal Ref: APP/L2250/W/16/3149838

Aston House, The Links, Hythe, Kent CT21 5XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A Buckingham against the decision of Shepway District Council.
 - The application Ref Y14/0989/SH, dated 27 August 2014, was refused by notice dated 11 November 2015.
 - The development proposed is construction of a new house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposal may be considered sustainable development with specific regard to a) the effect on the character and appearance of the area, including the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty; and b) its location within the countryside.

Reasons

3. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, defined as development in accordance with the Framework as a whole. This includes approving development proposals that accord with the development plan, including the Shepway District Local Plan Review (LP) and the Shepway Core Strategy Local Plan (CS), without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

Character and appearance

4. Aston House is on the side of a hill above Sene Park, a small estate of modern houses and bungalows with flat roofs on the outskirts of Hythe, with a golf course to the front and rear of the property. Sene Park and the golf course, including Aston House, are located within a Special Landscape Area and the Kent Downs Area of Outstanding Natural Beauty (AONB), where great weight should be given to conserving the landscape and scenic beauty.
 5. The site is accessed via The Links, a narrow lane from Sene Park that splits outside the property with one spur providing access to the property,
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neighbouring dwelling Sandycroft and a footpath. The other spur of The Links runs in front of the property to provide access to further properties in large grounds, with the golf course beyond.

6. This property and neighbouring properties, including Sandycroft and Pickle Lodge, are large individual detached properties within substantial gardens surrounded by the golf course, of a different character to the more densely developed Sene Park and the rest of the town beyond. This change in character results in the site appearing to have more in common with the surrounding open countryside than the development within the town of Hythe, including Sene Park.
7. The site comprises a small part of the garden of Aston House between the access drive and the spur of The Links leading to the houses beyond. It is located on higher ground than The Links such that it would be visible on the approach along Sene Park, although would not be visible in longer views through the mature trees around the golf course. The site of the proposed house would be small in comparison with neighbouring development, but the proposed house would reflect the size of those houses and be located significantly closer to The Links than neighbouring properties. This would result in the proposed dwelling appearing cramped on the plot, which would appear incongruous given the character of neighbouring development and would not reflect the landscape and scenic beauty of the surroundings within the AONB.
8. The proposed dwelling would be a contemporary design that would meet the individual needs of the appellants' and seeks to reflect some elements of the design of houses in Sene Park, in particular the flat roofs. Surrounding buildings are of a variety of designs, Aston House and Sandycroft being traditional design, but the annex to Sandycroft being a Swiss chalet style building. Over time, the building would mellow and the landscaping would mature to better integrate the building into its surroundings. However, these matters would not overcome the cramped and incongruous appearance of the proposed dwelling within the surrounding landscape.
9. For these reasons, I conclude that the proposed development would not reflect the character and appearance of surrounding development and would not conserve the landscape and scenic beauty of the AONB. As a result, the proposed development is contrary to Policies SD1, BE1 and CO1 of the LP, Policies DSD, SS1, SS3 and CSD4 of the CS and the Framework that seek to accommodate development outside the AONB and have close regard to the need for conservation and enhancement of natural beauty in the AONB.

Location

10. Policy SS1 of the CS confirms that development should be focussed on the most sustainable towns and villages, with development in the countryside only allowed exceptionally where such a location is essential. No evidence has been provided to suggest a countryside location for the proposed development is essential.
11. I accept that the site is adjacent to the boundaries of Hythe, but for the reasons given above, the distinct character of the site more closely reflects that of the surrounding countryside rather than the denser character of the town. Consequently, the subdivision of the site and provision of an additional dwelling

would not comply with development plan policies that seek to direct development to locations within the towns and villages of the district.

12. For these reasons, I conclude that the proposed dwelling would result in development within the countryside that would be contrary to Policies SD1, HO1 and CO1 of the LP and Policies DSD, SS1, SS2 and SS3 of the CS and the Framework that seek to protect the countryside and direct development toward towns and villages, with development within the countryside only allowed exceptionally. Policy CSD4 of the CS relates to green infrastructure, such as biodiversity and areas of high landscape quality, such that it is not directly relevant to this matter.

Conclusion

13. The proposed new house would contribute a single dwelling toward local housing needs and residents are likely to contribute toward the local community, providing social benefits. There would be limited economic benefits during the construction of the development and future residents may support local services. However, the environmental impact of the proposed development within the countryside and its effect on the character and appearance of the area, including the landscape and scenic beauty of the AONB, would outweigh the identified benefits. As such, the development would not comprise sustainable development and, as a result, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR