The Planning Inspectorate

Appeal Decision

Site visit made on 1 December 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/J2210/W/16/3155379
Land at Howfield Lane, Chartham, Kent CT4 7HG

- 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 J Clifford of Clifford Construction Ltd against the decision of Canterbury City Council.
- The application Ref CA/16/00099/FUL, dated 14 January 2016, was refused by notice dated 23 May 2016.
- The development proposed is the erection of three detached dwellings with access, parking and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the erection of three detached dwellings with access, parking and landscaping on land at Howfield Lane, Chartham, Kent CT4 7HG in accordance with the terms of the application, Ref CA/16/00099/FUL, dated 14 January 2016, subject to the conditions contained within the schedule at the end of this decision.

Preliminary Matters

2. Revised plans were submitted during the application process in response to Council concerns. I have considered the appeal on the basis of the updated plans on which the Council's decision was based.

3. I note that the emerging Canterbury District Local Plan (emerging LP) is in the process of examination, but I understand there are currently matters outstanding, such that it is unclear as to the extent of outstanding objections or whether the policies concerned will be considered as consistent with National Planning Policy Framework (the Framework). Consequently, I am only able to give limited weight to policies within the emerging LP.

Main Issue

4. The main issue is whether the proposal would constitute sustainable development, with particular reference to a) its location in respect to surrounding settlements b) the character and appearance of the area and c) the reliance on motor vehicles.

Reasons

5. 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 Canterbury District Local Plan (LP), without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.

6. The site is located on Howfield Lane, which comprises a number of houses to one side of the lane in a ribbon of development from the junction with the A28 and a substantial depth of commercial development including hotel and cold storage units to the opposite side. Along the A28 from the junction with Howfield Lane, is further commercial development including car sales centres, garden centre and children's play centre with the village of Chartham a short distance beyond. Beyond the development along Howfield Lane is open countryside with the lane leading through the countryside to the village of Chartham Hatch.

7. Paragraph 55 of the Framework confirms that housing should be located where it will enhance or maintain the vitality of rural communities and that, where there are groups of smaller settlements, development in one village may support services in a village nearby. It confirms that Councils should avoid new isolated homes in the countryside.

8. The site forms a gap in the ribbon of development, within an area with a developed character containing a mix of uses that comprises a settlement between the villages of Chartham and Chartham Hatch, rather than being an isolated site. Consequently, development of this site would support services within those villages, such that the proposed development would comply with paragraph 55 of the Framework.

9. Surrounding development is of a mix of semi-detached and detached bungalows and two storey dwellings that provides a variety to the character and appearance of the lane. The proposed dwellings would be of a simple traditional design in a short row, such that they would reflect the character and appearance of the ribbon development along Howfield Lane. Whilst the proposal would provide three additional dwellings within a gap in the ribbon of development along the lane, it would neither consolidate development nor would it extend development into the countryside. As such, it reflect the character or appearance of the area.

10. There are no footways along Howfield Lane such that there would not be easy walking access to the limited local services on the busy A28 and there is a limited bus service in the area. However, reliance on the private car is not unusual even in more accessible locations, such that there would be limited effect from the proposed development in comparison with development elsewhere.

11. Policy BE1 of the LP is a general policy seeking high quality design and setting out the matters to which the Council will have regard in assessing development proposals, such as accessibility, landscape character and the form of the development. For the reasons given above, I do not consider that the proposed development would be contrary to that policy.

12. The Council suggest that the LP seeks to direct minor development to existing villages. However, they have not referred to any policies that seek to restrict development to identified settlements.

13. I note concerns of neighbouring occupiers that this proposed development may set a precedent for further development, particularly on agricultural land adjoining the lane, and that there has been a previous planning application for development of the site. However, individual proposals must be assessed on their own merits against relevant policies at the time of application. The Council have confirmed that suitable access can be provided to the site without harm to highway safety and I see no reason to disagree with their conclusion. Limited evidence has been provided as to the affordability of the properties for local residents and employees at surrounding commercial development, so I do not consider this would affect my conclusions.

14. My attention has been drawn to an alleged lack of a 5 year housing land supply, disputed by the Council. I have concluded that the development would comply with relevant policies, so I do not need to consider this matter further.

15. I conclude that the proposed development would contribute three dwellings toward local housing needs and residents are likely to contribute toward the local community, providing social benefits. There would be economic benefits during the construction of the development and future residents would support services and facilities in Chartham, Chartham Hatch and surrounding settlements. The would be a minor environmental impact arising from the location of the proposed development in relation to surrounding services and facilities that would result in reliance on the private motor car, but this would not significantly and demonstrably outweigh the social and economic benefits of the development. For these reasons, I conclude that the proposals would comprise sustainable development as defined in the Framework.

Conditions

16. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are necessary for samples of materials and levels of the finished development to be submitted prior to development commencing to ensure that they would maintain the character and appearance of the area. A condition is necessary to ensure details of parking are provided prior to development commencing, and that they are implemented, to meet the needs of the occupiers of the proposed dwellings and in order to protect highway safety. Details of landscaping works prior to development commencing and provisions for their implementation are necessary in order to ensure the development would be carried out and completed in a manner that reflects the character and appearance of the area. A condition is necessary to require provision of adequate visibility splays to protect highway safety.

17. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. I have not included a condition requiring details of additional ecological enhancement as this goes beyond what is reasonable and necessary to make the development acceptable in planning terms.

Conclusion

18. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1069/01E and 1069/02.

3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

5) Prior to the first occupation or use of the development, details of the arrangements for the parking and manoeuvring of vehicles shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with these details.

6) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include species, size and location of new trees, shrubs, hedges and grassed areas, details of hard surfaced areas and means of enclosure.

7) All planting, seeding or turfing and other works comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) Prior to the first occupation of the development hereby permitted visibility splays of 2metres by 2metres behind the back edge of the highway shall be provided on both sides of any vehicular access provided to serve each dwelling, with no obstructions over 0.6m above highway level shall be provided and thereafter maintained.