

Appeal Decision

Site visit made on 21 March 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 24/03/2017

Appeal Ref: APP/X2220/W/16/3163664

Former Piggery, Vicarage Farm Road, West Langdon, CT15 5HG.

- 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 R Simon against the decision of Dover District Council.
 - The application Ref DOV/16/00567, dated 13 May 2016, was refused by notice dated 31 August 2016.
 - The development proposed is the erection of a single storey extension, conservatory and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and description of development provided on the application form have been replaced by different versions in subsequent documents. I consider the Council's proposal description to be usefully more comprehensive and have thus used it here. In addition, for the purposes of consistency I have taken the address to be that used by the Council.

Main Issue

3. The main issue raised in respect of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located in a rural area and is positioned in the northern corner of an area of land that is enclosed by tree and fence boundaries. Although there are a walled garden, horse shelter, greenhouse, swimming pool and access paths within this enclosed area, amongst other features, the area has an open undeveloped rural character despite the area having been used as a garden. To the northern corner is a single storey flat roofed structure that has the appearance of a low-key agricultural building with former pig pens to either side.
 5. The proposal seeks to enlarge the outbuilding by adding an extension, a conservatory and an enclosed ornamental garden, and to create parking and turning areas within the wider grounds. The existing structure is a small building of functional appearance, although it looks as if some recent upgrading works have taken place both to the building and to the former pig pens to one
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side which have been turned into dog kennels and/or storage units. Nonetheless, the existing structure settles into the landscape at the northern corner without appearing out of keeping within the rural landscape. The building and former pig pens, despite the alterations that have taken place and there being an existing small enclosed patio adjacent to the building, do not have an overly domestic appearance.

6. The existing building is set within an associated garden. As such, the appellant considers the visual effect of the proposed development would not detract from the appearance of the locality or the wider landscape and would not be prominently visible in views from the surrounding countryside, highways and public paths.
7. The proposed extensions to this building would create a significantly larger building than that of the existing. In addition, these additions would substantially alter the appearance of this existing host building and create a development considerably more domestic in appearance that would not reflect the agricultural form and style of the existing building. This, along with the creation of a new driveway and car parking/turning areas, would be harmful to the both the character and appearance of this rural outbuilding and that of the rural setting of this area in spite of it having been used as a garden in the past. Furthermore, the new domestic enclosure of the ornamental garden along the northern boundary of the appeal site would be visible from the adjoining open countryside.
8. The Council considers the proposed development would be tantamount to the creation of a new dwelling in the countryside. The appellant is of a different view and considers the building to be a lawful dwelling. However, the proposal before me is simply for extensions to this existing building and other associated works and does not seek a change of use. As such, this dispute does not have any bearing on my consideration of this appeal.
9. Whether or not the existing building can or cannot be used on a permanent residential basis I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with the aims of Paragraphs 56-59, 61 and 64 of the National Planning Policy Framework which seek development to respond to local character and reflect the identity of local surroundings, amongst other matters. Paragraph 64 indicates that development that fails to improve the character and quality of an area and the way it functions should be refused.

Conclusions

10. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR