
Appeal Decision

Site visit made on 6 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/J2210/W/16/3157258

Land adjacent to 30 Cockering Road, Chartham, Canterbury, Kent CT4 7LG

- 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 Hugh Pickett against the decision of Canterbury City Council.
 - The application Ref 16/00914, dated 19 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is a new 4 bed house on land adjacent to 30 Cockering Road, Chartham.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time the application was determined, the Council accepted there was a shortfall, albeit not significant, in housing supply and thus it was unable to demonstrate a 5 year supply of deliverable housing sites. However, the Council has since provided an update¹ following the Stage 2 hearing sessions for the Canterbury District Local Plan Draft Publication (2014). This indicates that the Council has 5.39 years housing land supply.
3. The appellant's grounds of appeal refer to the Council having 'difficulties with five year housing land supply' in relation to paragraph 49 of the National Planning Policy Framework (the Framework). However, the Council's latest housing supply evidence is unchallenged by the appellant who has stated that this was not part of their case. On that basis I have determined this appeal on the basis that the Council have a five year supply of deliverable housing sites.

Main Issue

4. The main issue is whether future occupiers would have satisfactory access to local facilities and services.

Reasons

5. The appeal site forms part of the garden of No 30 Cockering Road, a semi-detached dwelling. Whilst it is situated adjacent to a cluster of other buildings, including business units to the rear and other dwellings to the west, there is open countryside to the north-west and north-east.

¹ Appendix 2 to LPA statement – Nathaniel Lichfield and Partners

6. Policy H1 of the Canterbury District Local Plan (LP) (2006) supports new housing development on allocated sites or previously developed land within urban areas. As neither of these criteria apply to the appeal site, the proposal would be contrary to LP Policy H1.
7. The village of Chartham has local shops, a village hall, primary school and nursery and a railway station about a kilometre from the appeal site. However, the section of Cockerling Road between the appeal site and the edge of the built up area of the village adjacent to Larkey View is narrow and enclosed by woodland in part, lacks a segregated footway or streetlighting and the national speed limit applies. Furthermore, the route to the railway station is via a steep hill.
8. There is a bus stop about 350 metres from the site that would provide access to larger service centres but no details of services have been provided. I also recognise that, as set out in paragraph 29 of the National Planning Policy Framework (the Framework), opportunities to maximise use of public transport, cycling and walking vary from urban to rural areas. Nonetheless, whilst there are some limited facilities within the St Augustine's development, it is likely that future occupiers would be reliant on the private car to access day to day facilities including access to employment. As such the proposal would be contrary to LP Policy C1, which states that the Council will assess development proposals in light of transport demands and the scope for choice between transport modes.
9. I have had regard to a recent allowed appeal² within the local authority area where the Inspector found that accessibility for non-car modes would be relatively poor. However, in that case the Inspector considered that overall the proposal would be sustainable due to the environmental credentials of the dwelling that would be built to Level 5 of the Code for Sustainable Homes. As such the circumstances are materially different from the present appeal.
10. The main parties dispute whether the appeal site is previously developed land. Whilst the site is located close to commercial buildings, the appeal site denoted by the red line boundary is grassed and forms part of the garden of No 30 Cockerling Road. It is therefore excluded from the definition of previously developed land set out in Annex 2 to the Framework.
11. However, even if the site were to be considered as previously developed land, LP Policy H9 only allows for development of such land for housing within villages, and paragraph 2.13 of the supporting text to that policy states that housing development on previously developed land outside villages will not be acceptable unless there are exceptional circumstances and where it is sustainable. As I have found the access to local services would not be satisfactory I do not consider that this test has been met.
12. The appellant has referred to a development recently approved at land adjoining Holmbury, but no details have been provided of the particular circumstances of this development and thus I can give the matter little weight in my decision. I have also had regard to the development permitted by the Council at Larkey Wood Farm³. Whilst the full details of this scheme are not before me, the development was for 10 dwellings and therefore materially

² Land north of Plumstone Road, APP/Z2260/A/13/2207040

³ CA/15/00683/FUL

different in scale to the current proposal. In any case each proposal must be considered on its own merits having regard to the particular circumstances of the case.

13. Further housing site allocations were approved by Full Council on 19 November 2016, after the Larkey Wood Farm scheme was permitted. These allocations enabled the Council to demonstrate 5.39 years deliverable housing supply as set out in its housing update submitted at the appeal stage. I accept that the proposal would increase the housing supply in the local authority area, but the modest contribution a single dwelling would make to the overall supply would not be sufficient to overcome the harm that would be caused. In coming to this view I also note that the Inspector in an appeal at Land at Bodkin Farm⁴ attached less weight to the benefit of additional housing (in this case up to 290 dwellings) as the emerging local plan was at an advanced stage, and subsequent decisions⁵ have supported this approach.
14. I therefore conclude that future occupiers would not have satisfactory access to local facilities and services. The proposal would be contrary to LP policies H1, H9, C1 and the development plan as a whole, and there are no material considerations which indicate that planning permission should be granted for development not in accordance with the development plan.
15. The Council has referred to LP Policy BE1 on the Decision Notice. However, this refers to accessibility and safe movement within a development rather than the accessibility of a particular location, and the Council has confirmed it has no objection to the appearance of the proposed dwelling⁶. As such I find no conflict with LP Policy BE1.
16. The Council has also referred to policies SP1, SP4, DB3 and DB9 of the Canterbury District Local Plan Publication Draft (2014). Whilst this has not yet been adopted, the thrust of these policies do not differ significantly from adopted LP policies in relation to the main issue. In particular, Policy DBE3 and the checklist in Table D1 relate to the accessibility of the site to a choice of travel alternatives, and Policy DBE9 states that residential intensification would only be acceptable if the site is within a residential area or allocated for housing and the development would not conflict with other policies in the plan.

Conclusion

17. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR

⁴ Ref. APP/J3320/A/2227624

⁵ APP/J2210/W/16/3141880 at Orchard Farm; APP/J2210/W/16/3151265 at Woodside House and APP/J2210/W/16/3150238 at 23 Chestfield Road

⁶ Paragraph 18 of the Officer Report