
Appeal Decision

Site visit made on 25 April 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 15th May 2017

Appeal Ref: APP/J2210/W/16/3165492

**Lynsore Court Cottage, Lynsore Bottom, Upper Hardres, Canterbury
CT4 6EE**

- 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 Sledger against the decision of Canterbury City Council.
 - The application Ref 16/01912, dated 2 August 2016, was refused by notice dated 27 September 2016.
 - The development proposed is described as 'retrospective application for holiday let log cabin'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appealed application sought permission for the construction of a log cabin (the cabin) to be used as holiday let accommodation. The cabin has been constructed and I have therefore determined the appeal on the basis of it being for the cabin's retention and its future use as holiday accommodation.

Main Issues

3. The main issues are: the effect of the development on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty (AONB); whether the site would be an appropriate location for holiday accommodation; and the effect of the development on the ecology of the area.

Reasons

Character and Appearance

4. The cabin is sited at the southern extremity of the grounds to Lynsore Court Cottage (the cottage), a detached dwelling that is set within a substantial plot. There are some other outbuildings between the cottage and the cabin. The area that surrounds the cottage comprises rolling countryside, which for the most part is grazing land, albeit there is an extensive area of woodland to the south. The cottage is situated at the junction of Manns Hill with Pett Bottom Road, roads that are both very rural in character, being narrow in width and lined by hedgerows. The built development in this area is generally very dispersed.
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5. The cabin is of a simple design that possesses very little architectural merit and its appearance is neither representative of the area's vernacular nor is it innovative. I therefore consider that the design of this building is not in keeping with the character and appearance of buildings that would typically be expected to be found in this rural location.
6. The topographic relationship between the cabin and Pett Bottom Road means that the building has been sited on top of what is a roadside embankment. While there is a hedgerow running along the top of the embankment, that planting is variable in height and when it is taken with the adjoining woodland, the vegetation that is present only provides partial screening for the cabin. Were the hedgerow to be removed or fail then there would potentially be no visual screening for the cabin. While additional planting could be required through the imposition of a planning condition, any new planting would take time to become established. Although the cabin might be capable of being hidden from public view that does not mean that its siting and design can be justified, especially as I have found that there is nothing particularly exceptional about the building's appearance. I am therefore not persuaded that requiring additional hedgerow planting to be undertaken would provide appropriate visual mitigation in this instance.
7. Given the extent of the AONB and the scale of the cabin, I accept that this development has not caused significant harm to the wider landscape quality of the AONB. However, the design of the building is not in keeping with its landscape context, with this development amounting to the further domestication of the cottage's grounds.
8. For the reasons given above I conclude that the cabin is causing unacceptable harm to the character and appearance of the area, including the AONB. The development is therefore in conflict with saved Policies BE1, R6 and R9 of the Canterbury District Local Plan First Review of 2006 (the Local Plan). That is because the cabin is not of the highest quality of design and it is poorly integrated with the landscape character of the rural area, with it most particularly failing to conserve or enhance the natural beauty of the AONB. Conflict with various policies of the Council's emerging Local Plan (the ELP) has been cited by the Council. However, while the examination of the ELP has reached an advanced stage that plan is yet to be adopted and I therefore consider that in character and appearance terms any conflict that there might be with the ELP's policies is not determinative.
9. Given the nature of the visual harm that I have identified I consider the development conflicts with the National Planning Policy Framework's (the Framework) policies that address the appearance of new development and its effect on valued landscapes. That conflict most particularly relates to the third and fourth core planning principles (paragraph 17), section 7 (Requiring good design) and paragraph 109.

Appropriateness of the location for holiday let accommodation

10. The cabin is situated in a comparatively remote location with poor accessibility to public transport. Inevitably there would be a high dependency on private motor vehicle usage amongst the users of this holiday accommodation. The cabin would provide holiday let accommodation on a small scale and this form of accommodation, by its very nature, is frequently located in the rural area at significant distances from towns and villages. I therefore consider that

there would be nothing particularly unusual about this site as a location for a single holiday let unit. The floorplan for the building shows the provision of two bedrooms, although the building in its current form has one bedroom, with a bathroom being in the place of the second bedroom. I consider that the volume of traffic that could reasonably be expected to be generated by a unit of this size would be at a level that the local highway network could accommodate without there being prejudice to highway safety or an adverse impact in terms of the emission of pollutants.

11. There would be some benefits to the rural economy arising from the operation of the holiday let unit. However, given the scale of this unit I consider that the tourism income that it would generate would be comparatively modest. This factor therefore only weighs to a very limited degree in favour of the development.
12. Taking account of the above mentioned factors I conclude that this would be an appropriate location for the holiday let accommodation. There would therefore be no conflict with Policies R9 and C1 of the Local Plan because the volume of traffic generated would not be harmful to highway safety and there would be no adverse environmental impact from that traffic. Given the current status of the ELP I consider that any support or conflict that there might be with its policies are not determinative.

Ecology

13. The possible adverse effect on the nature conservation value (ecology) of the area, most particularly the local wildlife site (LWS) at Quilters Wood, arises from the Council's advisor's opinion that the site is located in the LWS. The appellant has provided an extract from the Local Plan's Policy Map and this shows the cabin to be sited outside any Site of Special Scientific Interest or the LWS. The available evidence has demonstrated that the site is not subject to national or local nature conservation designations for the protection of habitats. I therefore conclude that the construction of the cabin, given its siting and scale, is unlikely to have given rise to any adverse impact on the ecology of the area. Accordingly I find there to be no conflict with Policies R9 and NE1 of the Local Plan.

Conclusions

14. I have found that the site would be an appropriate location for holiday let accommodation and that the cabin's construction has not harmed the ecology of the area. However, I have found that the cabin is causing harm to the character and appearance of the area and that this harm could not be overcome by the imposition of reasonable planning conditions. The harm that I have identified gives rise to conflict with the Local Plan and the Framework and is of a scale that outweighs the tourism benefits of the development. I therefore conclude that the development is unsustainable and the appeal is accordingly dismissed.

Grahame Gould

INSPECTOR