
Appeal Decision

Site visit made on 18 July 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/V2255/W/17/3174963

2 Woodstock Cottages, Broad Oak Road, Sittingbourne, Kent ME9 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Fuller against the decision of Swale Borough Council.
 - The application Ref 16/507437/OUT, dated 11 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is described as a 'bungalow and double garage on land belonging to 2 Woodstock Cottages'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. I have had regard to the site location plan, Drawing No 1619/A, which shows the appeal site outlined in red, and the block plan, Drawing No 1619, which shows the footprint of the proposed bungalow and detached garage shaded in red. However, as all matters are reserved, I have regarded the footprint as indicative only, and have based my decision on the principle of a single residential dwelling on the site.
3. The Council has received the Inspector's Report on the Examination of the Swale Borough Local Plan, dated 20 June 2017 (the emerging LP). The report, which relates to the emerging LP referred to as 'Bearing Fruits 2031' in the Council's decision notice, concludes that subject to recommended main modifications, the emerging LP meets the criteria for soundness in the National Planning Policy Framework (the Framework) and is therefore capable of adoption.

Main Issues

4. The main issues are:
 - Whether the proposal would result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services; and
 - The effect of the proposed development on the character and appearance of the area, including the setting of the adjacent listed building.

Reasons

5. 2 Woodstock Cottages (No 2) lies in the countryside, outside the defined built up area of Sittingbourne, where there is a generally rural character and appearance, notwithstanding the nearby Kent Science Park. There is a large detached garage to the side of No 2, which would remain. The appeal site would be accessed from the lane, Broad Oak Road, via a new access drive which would pass between the garage at No 2 and the boundary with 3 Woodstock Cottages (No 3). No 3 is a Grade II listed building. The bungalow would be set well back from the road, behind an existing summer house, patio and pond currently associated with No 2. The proposed detached garage would be situated forward of the pond.

Pattern of development

6. Saved Policy H2 of the adopted Swale Borough Local Plan 2008 (SBLP) sets out that new residential will be directed to allocated sites and other sites within built-up areas (BUA), as defined by the settlement hierarchy of saved Policy SH1 of the SBLP. The appeal site does not meet either of these specifications, being situated outside the BUA where new residential development is subject to the exceptional circumstances criteria set out in saved SBLP Policies E6 and RC3. Policy E6 advises that development in the countryside will be restricted to that which falls within a number of specified criteria, in the interests of protecting the countryside, while Policy RC3 relates to helping to meet identified rural housing needs. There is no significant evidence before me to demonstrate that the proposed bungalow would fall within any of the exceptions listed in these two policies, including that there is no identified relationship to a relevant local housing needs survey, or specific evidence that any such need could not be met within a BUA.
7. The emerging overarching settlement strategy essentially carries forward a hierarchy approach with defined BUAs, as set out in emerging Policy ST3, which advises that outside the BUA boundaries, development will not be permitted, unless it is supported by national planning policy and it is demonstrated that it would contribute to protecting the intrinsic value and beauty of the countryside, among other things. Furthermore, for the same reasons as above, it has not been shown that exceptions criteria have been met, as set out in emerging Policy DM 9, which relates to affordable housing to meet local needs in rural areas.
8. While the site would not be spatially isolated from other buildings, being proposed near a small cluster of dwellings, it would be generally isolated in functional terms from day to day services and facilities. I saw during my site visit that the lane outside the site has no dedicated footway or street lighting, and I saw no bus stops nearby. Furthermore, I consider that the distance to Sittingbourne town centre is such that it would be generally unattractive for future residents of the scheme to make journeys to access services there and elsewhere by any mode other than private vehicles. Moreover, I am not persuaded that the proposal meets any of the special circumstances set out in paragraph 55 of the Framework.
9. In light of the above, I conclude that the proposal would not result in an acceptable pattern of development, with particular regard to settlement strategy and accessibility to services. It would therefore conflict with saved Policies H2, E6 and RC3 of the SBLP and with emerging LP Policies ST3 and

DM9, the relevant criteria of which are set out above. It would also be inconsistent with paragraph 55 of the Framework.

Character and appearance, including the setting of the listed building

10. The development would introduce a new dwelling in a position set notably behind the existing row of dwellings, the principal buildings of which are set modestly back from the road, to around the same degree as each other, and have principle elevations facing onto the road. While all details are reserved, it is apparent from the indicative block plan that the development would have a significantly narrower frontage in the street scene, and that the proposed garage would be likely to be the most visually apparent element of the scheme when viewed from the lane. The siting of a new bungalow on the appeal site would therefore be significantly at odds with the layout of nearby dwellings and the contribution the cluster of buildings makes to the established, low-key, rural locality, to the detriment of the character and appearance of the area. I therefore conclude that the development would be contrary to saved Policy E1 of the SBLP, which sets out general development criteria, including that proposals should reflect the positive characteristics and features of the site and locality.
11. As a listed building No 3 is a designated heritage asset, which dates from the 16th Century and is set in good sized gardens. From the listing description and other evidence before me, I consider that the significance of the heritage asset derives primarily from the age, form and historic fabric of the building, and the specified features of special interest.
12. Section 66(1) of the planning (Listed Buildings and Conservation Areas) Act 1990 states that, 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting...'. Paragraph 132 of the Framework is clear that great weight should be given to a heritage asset's conservation and that its significance can be harmed by development within its setting.
13. I have identified that an additional dwelling at the site would be detrimental to the character and appearance of the vicinity generally and I consider that it would, as a result, have an adverse impact on the wider setting of the listed building, which would include the cluster of buildings it is set among. On the basis of the outline details provided and having regard to the degree of separation between the site and No 3, the buffer that would be provided by the existing boundary hedge and summerhouse, and that matters such as design and landscaping are reserved, I acknowledge that these factors may moderate the effect of a new bungalow in relation to No 3 to some degree.
14. However, this does not override the in-principle harm to setting of the listed building that would arise in relation to the character and appearance of the locality, and the consequent negative effect that this would have on the significance of the heritage asset. The proposal would therefore also conflict with saved Policy E14 of the SBLP and emerging LP Policies CP 8 and DM 32, which respectively and among other things essentially require that where development would affect a listed building and/or its setting the building's special interest and its setting will be preserved or enhanced.

15. As a result, I further conclude that the proposed development would have a harmful effect on the heritage asset by failing to preserve the setting of the listed building, which is a matter of considerable importance and weight. However, I quantify the harm to the significance of the heritage asset as less than substantial, having regard to Paragraphs 133 and 134 of the Framework. Where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. I consider the various benefits of the proposal below.

Other Matters

16. The appellant is of the view that the Council is failing to meet its housing targets. However, this view is not substantiated by the Inspector's recent report on the emerging LP, which confirms that the Council has demonstrated that there is a five year deliverable supply of sites to meet the requirements of the Framework, and that the plan identifies sufficient deliverable sites to meet the objectively assessed need for housing in full. Having regard to the judgement handed down by the Supreme Court on the *Suffolk Coastal District Council v Hopkins Homes Ltd and SSLG, Richborough Estates Partnership LLP and SSLG v Cheshire East Borough Council* case on 10 May 2017, I consider that relevant policies for the supply of housing should be considered up-to-date. Therefore, the presumption in favour of sustainable development in paragraph 14 of the Framework is not engaged in this case. Furthermore, having regard to paragraph 216 of the Framework, I have afforded very substantial weight in this appeal to relevant policies of the emerging LP, which are now at a highly advanced stage of preparation.
17. I acknowledge there would be a number of benefits of the proposed development, in particular that it would result in one additional dwelling. Other benefits include that it would provide a low maintenance, energy efficient dwelling to the local stock and have associated economic and social benefits. As a single dwelling, these benefits would be very modest but I have afforded them a little weight in favour of the proposed development. However, this is not sufficient to outweigh the significant harms that I have identified in relation to settlement strategy, accessibility to services, and the character and appearance of the area. Moreover, it does not outweigh the harm that would arise by failing to preserve the setting of the listed building, to which I afford considerable weight.
18. I understand the appellant's desire to create a new home for his own occupation. However, personal circumstances can seldom outweigh general planning considerations and do not outweigh the harms identified in this case.

Conclusion

19. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR