



Appeal Decision

Site visit made on 21 August 2017

by Kenneth Stone BSc Hons DipTP MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/X2220/W/17/3172337

Part of Wingham Court, Hawarden Place, Canterbury Road, Wingham, Kent CT3 1 EW

- 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 Environ Communities Ltd and The Trustees of the Viscount Hayward Will Trust against the decision of Dover District Council.
 - The application Ref DOV/15/01100, dated 3 November 2015, was refused by notice dated 28 September 2016.
 - The development proposed is described as the 'erection of 15 extra care properties (Use Class C2) comprising of 8 semi-detached dwellings, 1 detached dwelling and 6 apartments; conversion and extension of Goose Barn to provide communal facilities to include manager's office, guest suite and activities room; provision of vehicular and cycle parking together with internal access arrangement works and junction improvements; and associated landscape and tree works within the site'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Environ Communities Ltd and The Trustees of the Viscount Hayward Will Trust against Dover District Council. This application is the subject of a separate decision.

Procedural and background matters

3. I note the application seeks permission for extra care properties within Class C2 of the Town and Country Planning Uses Classes Order. The appellant has confirmed that whilst this was a matter of significant debate with the Council during the determination of the application it is now accepted by the Council and it is not a matter of contention at this appeal. The Council have not sought to differ from this opinion in their submissions and I have therefore considered the proposals on that basis.
4. The appellant, in its grounds of appeal, at paragraph 4.40, state the Council accept that they did not have a five year housing land supply at the time of the determination of this application and that the position remains the same as at the submission of this appeal. The Council in its appeal statement at paragraph 2.9 contest this position and state that whilst it could not demonstrate a five year housing land supply at the time of the determination of the application the Council had, by the time the appeal was lodged, published

its Authority Monitoring Report for 2015-2016 which demonstrates that the Council has a housing land supply of 6.2 years. The appellant has not contested this statement in its 'Appeal Statement Rebuttal'. I therefore have determined this appeal in the context of the Council being able to demonstrate a five year supply of housing land and policies for the supply of housing being up to date.

5. The Council however do confirm that the principle of development of this site is not unacceptable. I have determined the appeal in this context.
6. Along with the Council's appeal statement I have been provided with a statement from Kent County Council identifying that the proposed development would generate additional pressure to borrow books from its library services and that this should be addressed by the provision of a financial contribution.

Main Issues

7. Given the above I consider the main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area, which includes the setting of surrounding listed buildings and the Wingham Conservation Area (WCA), and including the effect on trees.
 - Whether the proposed development would take the opportunities to encourage sustainable transport modes and maximise walking, cycling and the use of public transport.
 - Whether the proposal makes adequate provision for any additional need for library services arising from the development.

Reasons

Character and appearance

8. The appeal site is located at the southern end of Wingham a small historic market town located in the rural area of Dover District Council. The site presently contains areas of relatively heavy tree cover, overgrown grassed areas, access ways and contains limited buildings. It is bound to the south by a public footpath the boundary with which is not a particularly dense tree hedge. To the east it abuts School Lane, from which it is separated by informal tree and hedge planting and an historic wall. To the west it abuts Canterbury Road with a significant tree belt along the boundary and to the north it sits close to Wingham Court and other outbuildings.
9. Wingham Court is a grade II* listed building and its significance is derived from its historic associations with the Archbishop, the Church, its historic and cultural associations and its architectural quality. A key characteristic of Wingham Court recognised by the parties is the prominence of the building fronting onto Canterbury Road and its striking low white frontage adjacent to a red brick wall providing striking architectural contrast at the bend in the road.
10. The appeal site sits within the original grounds of Wingham Court and the wider site can be characterised as open cultivated or garden land within a complex of buildings. There are a number of buildings and structures associated and within this area that are separately listed buildings including the stable block (Grade II) (now converted to residential), the barn (Grade II) and dairy. The

site contains a former orchard which is enclosed by boundary walls, to the east, west and north. The wall to the north separates the site from the grounds of Wingham Court and other outbuildings. The wall to the east of the Orchard forms the boundary with School Lane. While that to the west is attached to a building referred to by the parties as Goose Barn. There is disagreement as to whether this is a curtilage listed in relation to Wingham Court. The appellant's Heritage statement at paragraph 5.7.1 classes the building as a non-designated heritage asset but does not give a detailed assessment as to why this conclusion is reached. The Council note that Wingham Court was listed in 1952 and that at that time the building was in the ownership of the estate and the historic maps show a building of similar proportions for some time, with a larger building shown on earlier maps. For the purposes of my decision I have concluded that on the basis of the evidence before me Goose Barn is a curtilage listed building in association with the Grade II* listed building Wingham Court.

11. The appeal site is also located within the Wingham Conservation Area the significance of which derives from the historic development of the village, the age of the buildings and their architectural form and composition. There are a significant number of listed buildings within the area and the street pattern and appearance of the street scene and general area are important contributors to the character and appearance of the conservation area. The appeal site is located at the edge of the village and the conservation area where there is a more loose knit layout of buildings and provides for an area of undeveloped garden and cultivated land and trees including the former orchard which soften the edge of the settlement and conservation area.
12. Beyond the appeal site to the south is a modern primary school and to the south east a community building. The surrounding area also includes a roman ancient scheduled monument and the Grade I Church of St Mary's opposite Wingham Court on Canterbury Road.
13. The proposed development would provide for 15 care units; 11 would be constructed as two long terraces along the southern boundary of the site and to the south of Goose barn, which would be extended and converted to provide for club house facilities. To the east of Goose Barn would be a small guest suite. Finally a further separate block would provide for the remaining three units. The historic orchard area would be retained and the surrounding walls retained. The plans annotate alterations to the wall to the west to include breaks in the wall. The correspondence suggests that there would be an access point provided onto School Lane to the north of plot 15, but that would not require removal of any of the historic wall. This is not clearly illustrated or annotated on the plan. Although the plan is annotated to note that the historic wall is retained and repaired.
14. The proposed development would introduce a significant volume of built development. This would provide for buildings with a long façade facing the public footpath and which would be two, and up to three, storeys in height. The footprint and site coverage of these buildings would add a significant amount of new buildings close to the southern boundary of the site. The hedge screening along this boundary was not dense and would still afford views into the site. Views from the community buildings, Primary school and School Lane would be available. To my mind this would significantly alter the character of this section of the site. The site would change from one of limited buildings open

- space and landscaped areas, with relatively heavy tree coverage, to one with peripheral landscaping behind which there would be intensive built form and which would be visible in closer views.
15. There would also be a change in the appearance of the area with the public footpath running next to a built development for most of its length in an urbanised environment rather than the semi-rural character that presently exists.
 16. The change in character and appearance is as a result of both the intensity of built form in terms of the building footprints, numbers and the scale of the proposed buildings. This associated with the loss of trees would significantly change the character of the area. Whilst the trees are predominantly low value category C trees they are located within a conservation area and contribute to the wooded nature and character of the site and the area generally. The change would not preserve the character and appearance of the conservation area and would harm the character and appearance of the area more generally.
 17. In terms of the listed buildings the intensive development of this part of the site would materially harm the setting of Wingham Court for the same reasons. It would in the words of the appellant's heritage statement 'effect the aesthetic and illustrative associations of the site with Wingham Court and its associated buildings'. The intensive form of development would obscure and alter the open cultivated or garden land appearance of the site and increase the dominance of buildings in relation to the site as a whole. Not only would this materially harm the setting of Wingham Court but also the other listed buildings of the stable and barn within its setting and this area also. In terms of Goose Barn, which I have concluded is a curtilage building, the substantial extension and alterations would impact on the historic integrity of the building and potentially result in the loss of historic fabric. No clarity has been provided on the nature of the work that would be required to facilitate the conversion or what of the existing roof and other materials could be saved.
 18. Finally, in respect of this matter, concerns have been expressed regarding the use of materials. The appellant has suggested that these are not fixed but could be the subject of condition. The nature of the proposal as a full application including the design of the buildings would suggest that the design has been evolved having regard to the proposed palette of materials suggested. During my site visit I took the opportunity to walk around the village and whilst I did note examples of weatherboarding these were not predominant or even extensive. The distinctive materials were the Kent peg tiles and red brick that is much more common and were in my view the distinctive characteristic materials. The proposed design with echoes of oasthouses, high pitched roofs with large flat areas appears to create a pastiche of Kent vernacular that is not readily apparent in the surrounding area. On this basis I conclude that the proposed materials and design of the properties adds further to the harm of the appearance of the area and the conservation area.
 19. Whilst the Council have raised concerns concerning images of the visual effect of the development. They have provided no alternatives. I have however considered the proposals on the basis of the information before me and the site visit and my assessment of the likely impact. I am satisfied that the

development would not affect longer range views or wider views and sky line views including on the Grade I listed St Mary's church.

20. For the reasons given above I conclude that the proposed development would materially harm the character and appearance of the area, which includes the setting of surrounding listed buildings and the Wingham Conservation Area (WCA), and would adversely affect tree cover on the site. The character and appearance of the conservation area would thereby not be preserved and neither would the setting of surrounding listed buildings as discussed above.
21. The harm that I have identified to designated heritage assets including the conservation area and the surrounding listed buildings would in my view amount to less than substantial harm in the context of the Framework. Nevertheless I give this harm considerable weight and importance in my considerations. I return to the Framework's paragraph 134 balancing and overall planning balance later.

Sustainable transport modes

22. The proposed development would provide for an elderly care residential development at the edge of Wingham. This is identified as a local centre in the rural settlement hierarchy and the site is located within the settlement boundary. The Council confirm that they do not object to the principle of development and I therefore conclude that the site is reasonably located in terms of proximity to facilities and services to meet the day to day needs of future residents.
23. The Council are concerned that with the nature of the layout and lack of an appropriate link to School Lane and hence to the village that the proposal will not encourage walking, cycling or other sustainable modes of transport. It is the concern that to access public transport and the shops and facilities access should be through the site onto School Lane.
24. The appellant has indicated that access can be provided onto School Lane north of plot 15 without affecting the Historic Wall and this would be the intention. The Council have suggested that as there is no internal footpath or surfaced path within the site this would not encourage the use of the access or walking or cycling.
25. The proposal to provide for an access onto School Lane is not readily or easily visible on the site layout landscape plan WIG 150 Rev B but it is evident that it is feasible. I agree with the appellant that should such an access not be unacceptable to them and is not unachievable the provision of an internal footpath link, its layout and surfacing could reasonably be secured through the imposition of a suitable planning condition. On the basis of the provision of such a link secured there would be reasonable access to School Lane and this would encourage the use of walking, cycling and the use of public transport available in the village. Paragraph 29 of the Framework advises that the transport system needs to give people a real choice about how they travel but also recognises different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary. The appellant draws attention to paragraph 32 but this relates to developments that generate significant amounts of movement which I do not see as relevant here.

26. For the reasons given above I conclude that the proposed development would take the opportunities to maximise walking, cycling and the use of public transport. Consequently it would not conflict with policy DM11 of the Dover District Core Strategy which requires developments to include measures to do such. This is consistent with bullet point 11 of paragraph 17 of the Framework which sets out the Core Planning Principles that the planning system should seek to achieve.

Library contribution

27. Planning permission was not refused in relation to matters related to the lack of infrastructure or additional demands on infrastructure. Furthermore the local planning authority have not raised the issue in its appeal submissions directly suggesting that in the planning balance such a matter was not one which weighed against the development.
28. The County Council have identified that the proposal would lead to additional pressure on library resources and that there is a requirement for additional expenditure on books. The assessment is undertaken at a district level and comparisons taken against the County level. While there is a statement that the books purchased would be made available locally I have not been provided with any evidence about where the provision would be based and how the future residents of this development would access the facilities.
29. On this basis I conclude that it has not been demonstrated that there is additional need or demand reasonably related to the development and a therefore a consequent requirement to address. The obligation requested does not on the basis of the information before me meet the appropriate tests in the CiL regulations or paragraph 204 of the Framework.
30. In any event had I concluded that it did meet the tests and I should take account of the effect and the lack of an agreement, the small nature of the effect would not be such to be determinative in this appeal.
31. For the reasons given above I conclude that it has not been demonstrated that the proposal is required to make provision for any additional need for library services arising from the development.

Other Matters

32. The appellant has through a number of documents identified benefits of the scheme. These include provision of a type of accommodation that is in demand and meets a need in the local area, that the proposal would make provision for additional housing, that there would be economic benefits arising from the implementation of the development, future occupation of the development and employment of staff at the development. It is also suggested that there would be the potential for the wider community to have access to the club house facilities to assist in integration of the scheme with the community. However, this is at a cost and is therefore not a direct benefit of the scheme as exiting residents in the community would have to pay to access.

Overall conclusions

33. I have identified harm to designated heritage assets above. I have concluded that this harm would amount to less than substantial harm in the context of the Framework. Paragraph 134 of the Framework advises that I should weigh this

harm against the public benefits of the proposal including securing its optimum viable use. Given that the proposal would only make provision for a small number of units both in terms of its provision for elderly and the benefit this would have on the wider housing market with potential downsizing I only afford this benefit moderate weight. In terms of the economic benefits from construction, employment and future residents again I give this moderate weight because of the limited numbers involved. Against this I give the harm to the designated heritage assets considerable weight and importance. The harm to the Conservation Area and the setting of the surrounding listed buildings will materially harm the significance of those assets and I recognise that such assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. This includes assets of high significance in the context of the appellants assessment in terms of Grade II* and conservation areas. In my view the benefits do not outweigh the harm.

34. In terms of the overall planning balance the proposal would result in harm to the environmental and social roles of sustainable development and would result in only limited benefits in terms of the economic role. The proposal would therefore not amount to sustainable development and should not therefore succeed.

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

Kenneth Stone

INSPECTOR