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## Appeal Decision

Site visit made on 21 November 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 11<sup>th</sup> December 2017**

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**Appeal Ref: APP/X2220/W/17/3180321**

**Land at Short Lane, Alkham CT15 7BZ**

- 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 S Barnes against the decision of Dover District Council.
  - The application Ref DOV/16/01216, dated 20 October 2016, was refused by notice dated 25 January 2017.
  - The development proposed is the erection of up to 6 dwellings with garaging.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was made in outline form and sought permission for up to six dwellings, with matters relating to access, appearance, landscaping, layout and scale all being reserved for future consideration.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (the AONB).

### Reasons

4. The dwellings would occupy part of a field, currently used as grazing land, which slopes gently from north to south. To the west, on the opposite side of Short Lane, there is housing, while to the east and south there are gently rolling open fields. Immediately to the north of the site there are four pairs of semi-detached houses, 1 to 8 Short Lane (Nos 1 to 8) granted planning permission in 1993. A little to the south of the site there is a public right of way (PROW) extending eastwards from Short Lane. Alkham is a small village mainly characterised by housing, with very few local services and facilities being available within it.
5. Given that the site is situated in the AONB there is a general duty to have regard to the purpose of conserving and enhancing the AONB's natural beauty<sup>1</sup>.
6. For the purposes of the Council's development plan the site lies just to the east of Alkham's settlement boundary, with that boundary following the back

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<sup>1</sup> Section 85 of the Countryside and Rights of Way Act 2000

edge of the pavement on the western side of Short Lane<sup>2</sup>. The site is therefore in a location where development is discouraged by Policies DM1 and DM15 of the Dover District Core Strategy of 2010 (the Core Strategy). Policy DM15 states that development giving rise to losses of the countryside or adversely affecting its character and appearance will only be permissible if: 1) it accords with a development plan allocation; 2) it is justified by the needs of agriculture; 3) it is justified by a need to sustain the rural economy or a rural community; 4) it cannot be located elsewhere; and 5) it will not result in the loss of ecological habitats.

7. Policy DM16 of the Core Strategy states that development that would harm the character of the landscape will only be permitted if: it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or its design would incorporate measures to mitigate the impact to an acceptable level.
8. Given the site's location in the AONB I consider paragraphs 17 (the fifth core planning principle), 109 and 115 of the National Planning Policy Framework (the Framework) are also relevant. The fifth core planning principle indicates that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONBs.
9. Although the site of itself possesses limited landscape quality, it forms an intrinsic part of the open fieldscape characterising the AONB's wider landscape at this point. The site is very much on the outskirts of Alkham's built up area and the site's appearance clearly reads as being part of the countryside. I therefore consider that the construction of up to six dwellings would not be in keeping with the essentially underdeveloped character and appearance of the countryside to the east of Short Lane.
10. While the site's roadside boundary is marked by an established hedgerow it would only provide limited screening for the development, not least because an opening or openings would be needed for access purposes. I recognise that there would be scope to undertake soft landscaping along the eastern boundary and immediately to the south of the site. However, it would take a considerable period of time before any new planting would provide any meaningful mitigation for the development when it was viewed from Short Lane or the PROW.
11. Although Nos 1 to 8 have encroached into the countryside they were granted planning permission as an exception to facilitate the provision of affordable housing. The appeal development has not been promoted on the same basis as the development at Nos 1 to 8. Accordingly I consider that the circumstances that gave rise to the permission for Nos 1 to 8 are not directly comparable with those of the appeal development.
12. I consider that the development would neither conserve nor enhance the AONB's natural beauty and I therefore conclude that it would be harmful to the character and appearance of the AONB. There would therefore be

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<sup>2</sup> Based on the Policy Map extract included within the appellant's statement of case

unacceptable conflict with Policies DM1, DM15 and DM16 of the Core Strategy and paragraphs 109 and 115 of the Framework. In relation to Policy DM15 I consider that the development would not come within any of this policy's stated exceptions. I also consider that the Kent Downs Area of Outstanding Natural Beauty Management Plan 2014 to 2019 does not provide support for this development.

### **Other Matters**

13. The development would contribute to the supply of housing in the area and there would therefore be some social and economic benefits arising from it. However, given the scale of the development I consider that those social and economic benefits would be quite modest. Although the appellant has made reference to a contribution to off-site affordable housing being made<sup>3</sup>, a planning obligation to secure that contribution has not been submitted. I therefore attach no weight to this aspect of the appellant's case.
14. The soft landscaping that would be undertaken would provide some biodiversity benefits, however, because of this development's scale I consider those benefits would be quite limited.
15. In locational terms, having regard to the limited range of everyday services and facilities, including public transport, available in Alkham, I am not persuaded that this would be a particularly accessible location for extra housing. That said I accept that the local highway network would have the capacity to accommodate the volume of traffic generated by the dwellings.
16. I consider that the harm to the character and appearance of the AONB would outweigh the development's limited social and economic benefits. The harmful nature of the development gives rise to conflict with local and national policy and I therefore consider this would be an unsustainable form of development.

### **Conclusion**

17. For the reasons given above the appeal is dismissed.

*Grahame Gould*

INSPECTOR

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<sup>3</sup> Paragraph 2.10 of the appellant's statement of case