
Appeal Decision

Site visit made on 20 February 2018

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/X2220/W/17/3179192

Roseacre, East Langdon Road, Martin CT15 5JJ

- 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 and Mrs D Brooks against the decision of Dover District Council.
 - The application Ref DOV/16/00576, dated 16 May 2016, was refused by notice dated 18 April 2017.
 - The development proposed is "Outline application for the erection of two detached bungalows, improvements to existing access and provision of on-site car parking".
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. The application seeks outline planning permission with all matters reserved. I have considered the appeal on this basis.

Main issues

3. The main issues are whether the countryside location of the proposal is acceptable having regard to relevant planning policy; the effect of the proposal on the character and appearance of the area; and the effect of the proposal on highway safety.

Reasons

Location

4. The appeal site comprises a plot of land located on the western side of East Langdon Road, between a dwelling known as Roseacre and some stables. It lies outside of any settlement boundary as defined in the Dover District Core Strategy 2010 (Core Strategy) and therefore lies within the countryside for planning policy purposes. The proposal would introduce two bungalows with associated parking onto the appeal site.
5. Policy CP1 of the Core Strategy sets out the settlement hierarchy of the District and seeks to direct development to within these defined settlements. Policy DM1 of the Core Strategy seeks to restrict development outside urban boundaries and rural settlement confines unless it is justified by other development plan policies, it functionally requires such a location, or it is ancillary to existing development. Policy DM11 of the Core Strategy seeks to promote alternative means of transport to that of the private motor vehicle. These policies are broadly consistent with the aims and objectives of the

National Planning Policy Framework (the Framework) which seek to direct development to the most sustainable locations and to make the fullest possible use of public transport, walking and cycling. Moreover, there appears to be no dispute that the Council can demonstrate a five year housing land supply. Therefore, in accordance with Paragraph 49 of the Framework, the relevant policies for the supply of housing are considered up to date.

6. Paragraph 55 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements, development in one village may support services of a village nearby. It also sets out that new isolated homes in the countryside should be avoided unless there are special circumstances.
7. On the basis that the appeal site lies outside of any defined settlement, that there is no apparent functional requirement for housing on the site and that the proposal would not be ancillary to existing development, the proposal would conflict with Policies CP1 and DM1 of the Core Strategy.
8. The appeal site is located some distance outside of the hamlets of Martin and Martin Hill and considerably further from the village of East Langdon. Furthermore, the roads leading to them are unlit, have no footpaths and are subject to a 40mph speed limit. These factors would be likely to discourage any future occupiers from walking or cycling to these settlements. Moreover, these settlements have a limited range of services and facilities to cater for the daily needs of any future occupiers in any event. Though the railway station at Martin Hill provides a train service to larger settlements including London, I am unsure of the frequency of trains. In addition, whilst a bus service runs past the appeal site towards Deal and Dover, it is infrequent. Thus, any future occupiers would be heavily reliant on the use of a private motor vehicle to access essential services and facilities within the larger settlements in the District. On this basis, the proposal would also conflict with Policy DM11 of the Core Strategy.
9. Though it would be near to a small number of other dwellings, the proposal would be remote from any recognised settlement and would thus be isolated in this context, contrary to Paragraph 55 of the Framework.

Character and appearance

10. East Langdon Road displays a strong, rural character. This is due to the presence of hedgerows, fields and the sporadic pattern of development along it, which includes some limited housing and equestrian facilities. The appeal site predominantly comprises an open area for equine use but also includes strips of verge along the frontage with the road which contain some hedgerows. The hedgerows and the lack of any buildings on the appeal site contribute to the spatial and rural qualities of the area. This is noticeable from along East Langdon Road and from along a footpath a moderate distance to the north of the appeal site which traverses open countryside.
11. The introduction of two dwellings onto the appeal site would markedly intensify the level of residential development along East Langdon Road. This would erode considerably the spatial and rural characteristics of the road and locality and would result in significant harm to the character and appearance of the

area. This is notwithstanding that the area is not subject to any specific landscape or heritage designations.

12. The Council also raises a concern that to achieve suitable visibility onto the road for any vehicles exiting the appeal site, this would be likely to require the loss of some hedgerow. The appellants have not provided me with any substantive evidence to contradict this assertion. Any loss of hedgerow would further erode the rural characteristics of the road and would give rise to further harm the character and appearance of the area.
13. I therefore conclude that the proposal would be contrary to Policy DM15 of the Core Strategy and saved Policy CO8 of the Dover District Local Plan 2002. These policies require, amongst other things, development to protect the character or appearance of the countryside and not to adversely affect hedgerows. These policies are consistent with the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside.
14. The Council also cites conflict with Policy DM16 of the Core Strategy. This policy seeks to avoid development that would harm the character of the landscape, as identified through the process of landscape character assessments. The appeal site lies within the East Kent Arable Belt landscape character area (LCA) as defined within the Kent Landscape Character Assessment. However, the Council has not fully articulated how it envisages harm to the specific qualities and characteristics of this LCA to allow my further consideration of this matter.

Highway safety

15. The Council sets out that insufficient information has been provided to demonstrate that adequate visibility can be achieved at the access to serve the proposed dwellings to ensure the safe operation and use of the highway. It is my understanding that this is on the basis that, according to advice from Kent County Council Highways Authority, visibility splays would need to be in the region of 120 metres each way for a 40mph road.
16. The appellants have not, so far as I can see, sought to address this matter in their evidence. I therefore have no substantive reasons to take a different view on the matter of highway safety to that of the Council. The proposal would therefore be contrary to the aims and objectives of the Framework which seek to promote safe and suitable access to a site for all people.
17. The Council cites conflict with the Kent Design Guide Review: Interim Guidance Note 2 2008 in respect of this main issue. However, it is not clear from the Council's evidence or the sections of this guidance provided where the conflict with it lies. In addition, I am unsure whether this document has been formally adopted by the Council and I am therefore not clear of its status.

Other matters

18. The proposal would make a contribution, albeit a limited one, to housing supply in the District. The appellant suggests that the proposal would make more efficient use of brownfield land. These matters weigh modestly in favour of the proposal.

Planning balance and conclusion

19. The countryside location of the proposal would conflict with relevant policies of the Local Plan. The proposal would give rise to harm to the character and appearance of the area and to highway safety. Any benefits would be insufficient to outweigh such conflict and harm. Thus, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR