
Appeal Decision

Site visit made on 10 June 2019

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 09 July 2019

Appeal Ref: APP/Z2260/W/19/3225268

Land north west of Down Barton Road, Down Barton Road, St Nicholas at Wade CT7 0QQ

- 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 M Walker against the decision of Thanet District Council.
 - The application Ref OL/TH/18/0567, dated 20 April 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the erection of 6 No. dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form, all matters (access, appearance, landscaping, layout and scale) being reserved for future consideration. The application form referred to permission being sought for up to 9 cottages, but a revised description was agreed between the main parties for 6 dwellings. I have therefore used the revised description which appeared on the Council's decision notice in the banner heading above, and I have considered the appeal on this basis. Amended illustrative drawings showing a layout for 6 dwellings were submitted to the Council and I have had regard to those drawings.
3. An Archaeology Report¹ has been provided with the appeal in response to the second reason for refusal. The Council has commented in its Appeal Statement that the County Archaeological Officer advises that the matter can be resolved through a planning condition. I therefore do not address this matter in the reasoning below.

Main Issue

4. It therefore follows that the main issue is the effect of the proposed development on the character and appearance of the site and the surrounding area.

Reasons

5. The site forms part of a field with a frontage to Down Barton Road, opposite a terrace of seven cottages (Prospect Place) and two pairs of semi-detached cottages (Downbarton Farm Cottages). Beyond the rear of the appeal site is

¹ Darnley Archaeological Services Archaeological Evaluation of Land North East of Down Barton Road, St Nicholas at Wade, Thanet Project Code DBR19.

open farmland, with a small scale equestrian use adjacent to it along Down Barton Road, before the land opens up to agricultural fields. A small paddock separates the site from the more built up character of the core of the village, beyond the junction of Down Barton Road with Summer Road. The site is within an area identified as the St Nicholas at Wade Undulating Chalk Farmland Landscape Character Area (the Former Wantsum Channel Landscape Character Area)². The key sensitivities are identified as the open and undeveloped character of the farmland that contributes to the essentially rural character and relatively dark skies, occasional quiet rural lanes, long distance panoramic views and big skies. The appeal site is currently undeveloped and forms part of the open rural landscape.

6. The appeal proposal would introduce a relatively intensive form of development onto the site, which would detract from its open undeveloped character, restricting the long distance views from Down Barton Road and nearby properties. The proposed dwellings would the suburbanisation of the appearance of the site, which would significantly detract from its open and rural character. Due to its location it would appear as a separate pocket of development that would encroach into the open countryside and would not appear as a logical completion of the built form of the village.
7. The presence of small scale development in the form of the nearby equestrian use does not override this harm, as the stables and associated development are typical of a rural area and are discretely sited. I do not agree that the visibility of the development would be restricted to a great extent by the topography of the surrounding area and existing built form, as the site and surrounding landscape is open, with long views towards the north and west being largely uninterrupted. While the proposed boundary planting would screen parts of the development, this would not overcome the urbanising effect of the development on the open and rural character of the site. The existing large agricultural buildings to the north of the village are noticeable in the distance, but they are an unremarkable feature of the countryside and do not serve to justify the appeal proposal.
8. I am aware that an appeal³ was dismissed last year for a single bungalow on the appeal site. The Inspector found that the bungalow would appear divorced and would relate poorly with the dwellings on the other side of Down Barton Road. This appeal proposal would result in a ribbon of development that would reflect the pattern of development on the opposite side of Down Barton Road. However, it would still appear divorced from the built up areas of the village, introducing built form onto an area of land that is not enclosed by existing development. As a result, I do not find that the previous Inspector's concerns have been overcome in this regard.
9. I also recognise that permission has been granted for several residential developments in the village, including one on Summer Road⁴. The information I have been provided with indicates that the latter would appear as an infill between areas of existing residential development. I do not find this to be comparable with the appeal proposal, which would result in a separate pocket of development. Consequently, the other developments have very limited weight.

² In the Council's Landscape Character Assessment 2017

³ Ref APP/Z2260/W/18/3195331

⁴ Ref F/RH/17/0314

10. I therefore find that the proposed development would be significantly harmful to the character and appearance of the site and surrounding area. As such it would be in conflict with saved Policies CC1, CC2 and D1 of the Thanet Local Plan 2006 (the Local Plan), insofar as they seek to restrict development in the countryside and in the Former Wantsum Channel Landscape Character Area, unless it can be demonstrated that it is essential for the economic or social well-being of the area. I consider these policies to be generally consistent with the Framework, which recognises the intrinsic character and beauty of the countryside.

Other matters

11. I have had regard to the site's location in relation to a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. Although not identified as a formal reason for refusal, the Council has stated that mitigation is required. As any consideration of that matter would not affect my finding on the main issue, and the appeal would in any case be dismissed, it is not necessary for me to address that objection any further as part of this decision.
12. I note that the illustrative layout plan indicates an area for road widening/parking to the front of the appeal site. While this would no doubt be beneficial for the free movement of vehicles on Down Barton Road and would provide convenient parking for the occupiers of Prospect Cottages, it does not outweigh the harm I have identified.

Planning Balance and Conclusion

13. The Council has confirmed that it cannot currently demonstrate the availability of a five year supply of deliverable housing sites (HLS). Having regard to paragraph 11 of the National Planning Policy Framework (the Framework), the most relevant policies for determining the application should therefore not be considered up to date. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, from the evidence before me, there are no specific policies in the Framework that indicate that development should be restricted.
14. In terms of benefits, the proposal would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall, and occupiers would provide additional support to the vitality of the local community. Due to the small scale of the development these are limited benefits. While the number of units would be greater than the single bungalow which was the subject of the previous appeal, the contribution of 6 dwellings to housing supply and the economic and social vitality of the village would still be modest. The site is well located for access to the village which provides a number of services and facilities as well as local transport connections, which is a moderate environmental benefit. It is suggested by the appellant that the proposed planting would bring ecological benefits, but as a result of the small scale nature of the ecological benefit of the proposed planting and the loss of the appeal site as an open area of grassland I afford this benefit limited weight.
15. In contrast, I attach substantial weight to the harm to the character and appearance of the surrounding area, which brings the scheme into conflict with

the landscape and countryside protection policies of the Framework. Therefore, in terms of the planning balance, when the proposal is assessed against the policies in the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the proposal. Consequently, the Framework is not a material consideration that indicates a decision other than in accordance with the development plan.

16. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

N Thomas

INSPECTOR