
Appeal Decision

Site visit made on 24 June 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/J2210/W/18/3217568

The Bungalow, Iffin Lane, Thanington Without CT4 7BD

- 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 Mr Andrew Palmer against the decision of Canterbury City Council.
 - The application Ref 18/01616, dated 2 August 2018, was refused by notice dated 17 October 2018.
 - The development proposed is the retention of The Bungalow on smaller plot, two new dwellinghouses, new highway access to shared private drive, private drives and car parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be located in an area suitable for new housing in relation to access to facilities and services; and
 - the effect of the development on the character and appearance of the area.

Reasons

Location of Development

3. The appeal site is located on Iffin Lane and comprises a detached bungalow set within a large site. There are associated outbuildings present and a large area of garden to the side and rear of the bungalow. The site is located within a small cluster of residential properties but is detached from any main settlement.
4. The proposed development would involve the subdivision of the site to accommodate two new properties. The dwellings would be located to the rear part of the site and would each have parking areas to the front and gardens to the rear. A new access driveway would be provided from Iffin Lane. The existing bungalow would be retained on a smaller plot.
5. Policy SP4 of the Canterbury District Local Plan (2017) (Local Plan) identifies Canterbury, Herne Bay and Whitstable as the areas of principal focus for

- growth. It then identifies specific settlements which could accommodate appropriate growth. The appeal site is within an area which is not identified within this settlement hierarchy and is therefore considered to be located in the countryside. Policy SP4 states that in the open countryside, development will be permitted if required for agriculture and forestry purposes.
6. Policy HD4 of the Local Plan lists the criteria under which new dwellings in the countryside would be permitted and includes rural workers dwellings, re-use of heritage assets or existing buildings or where a new dwelling is of an exceptional or innovative design and quality.
 7. The Appellant has challenged Policies SP1, SP4, HD4 and T1 of the Local Plan, considering them to be out of date when considered against the provisions of the National Planning Policy Framework (2019) (the Framework). Paragraph 11 and footnote 7 of the Framework state that development plans that accord with an up to date development plan should be approved without delay, or where the policies which are most important for determining the application are out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, amongst other things.
 8. Paragraphs 77, 78 and 79 of the Framework consider rural housing and state that housing should be located where it will enhance or maintain the vitality of rural communities, including where development in one village may support services in a village nearby. It also states that the development of isolated homes should be avoided unless one or more of a list of circumstances apply. These circumstances echo those in Policy HD4. I therefore find that Policy HD4 is consistent in its approach with the Framework and is therefore not out of date.
 9. Policy SP4 does not wholly restrict development outside of the main settlements and identifies that under certain circumstances development would be appropriate in these areas. It identifies a settlement hierarchy, directing development to those areas which can accommodate a certain level of growth and new development in terms of access to services and facilities. I find this approach also to be consistent with the overarching aims of the Framework to direct development to sustainable areas which will encourage villages to grow and thrive. Accordingly, the provisions of Policies SP4, SP1 and T1 are therefore not out of date in my view and are consistent with the aims of the Framework.
 10. Noted is the reference to appeal decision APP/W3520/W/18/3194926 in respect of the status of development plan policies. However, this decision relates to a different development plan and policies. Furthermore, I do not have the exact wording of these policies before me in order to make a full comparison and accordingly this has little bearing on my considerations of the appeal and does not alter my above conclusions.
 11. Taking the above into account, the appeal site is within an area of countryside that, although not physically isolated from other buildings and dwellings, is detached from any of the settlements listed in Policy SP4. The Appellant identifies the distances between the appeal site and the nearest services and facilities. I recognise that development in rural areas can support the vitality of nearby services and facilities in villages however, a development of two dwellings would make a limited contribution in this regard and I have little

evidence before me to demonstrate that additional housing is required to assist with maintaining the vitality of the nearby settlements.

12. There is a bus stop located around one mile from the site. However, I understand this bus service is limited and would not necessarily provide a suitable alternative to the private car. Furthermore, Iffin Lane and the adjoining roads are narrow, unlit and without footpaths in the main which would discourage pedestrians and cyclists, despite the nearby cycle routes. I therefore find that to access any services and facilities, the future occupiers of the development would be largely reliant on the use of the private car. This conflicts with the sustainability aims of the Framework and the policies of the Local Plan.
13. The appeal site would not, therefore, provide a location for new housing that would have a good level of access to services and facilities. Consequently, the proposed development would fail to comply with Policies SP4, HD4, T1 and SP1 of the Local Plan, and the aims of the Framework.

Character and Appearance

14. The immediate area around the appeal site is characterised by residential properties. There is an existing dwelling set directly behind the rear boundary of the appeal site and an estate is located to the east. The appeal site is surrounded by both road frontage and backland developments of varied designs and scales.
15. The proposed dwellings would have relatively tall ridge heights with gable features. The majority of the proposed accommodation would be contained within the ground floor, with the use of part of the roof space for one bedroom and an en-suite. The host bungalow is relatively modest and the estate of dwellings that back onto the site on New House Close are also reasonably small in scale. However, there are also a number of examples of chalet style dwellings. The dwelling directly to the rear of the site has rooflights present and there are other chalet dwellings set back from Iffin Lane which have steeply sloping gables and are relatively tall. I find therefore that as a result of the mixed scales and designs of the surrounding properties, the proposed dwellings would not be harmful to the character and appearance of the area in this regard.
16. The development would result in the subdivision of the appeal site, leaving The Bungalow with an area of front, side and rear garden and parking area. The proposed dwellings would be on smaller plots. Whilst several of the dwellings fronting Iffin Lane are set within large sites, some are on shallower plots due to the presence of dwellings to the rear, and The Bungalow would retain a site which would be commensurate with some of the frontage properties. The proposed dwellings would be on smaller plots however would not be dissimilar to the New House Close estate to the rear. Accordingly, I find the character of the immediate area to consist of dwellings set within varying sized plots and the proposed development would therefore not be harmful to the character and appearance of the area in this regard.
17. For the above reasons the proposed development would not harm the character and appearance of the area in terms of design, scale or layout. It would therefore comply with Policy DBE3 of the Local Plan insofar as it requires

development to consider the character, setting and context of the site and achieve high quality design, amongst other things.

Other Matters

18. The Appellant disputes the Council's current five year housing land supply and considers that a housing land supply of less than three years can only be demonstrated. I note the Appellant's justification for this view, however, were I to agree that the Council could not demonstrate a five year supply of housing land, the proposed development of two additional dwellings would make a very limited contribution to the supply of housing and would not therefore outweigh the harm that I have identified in respect of the site's location.
19. Local objections have been received concerning, in addition to the above matters, the presence of historic mining tunnels, impacts on living conditions and highway safety issues. However, given my overall findings in respect of the main issues it is not necessary for me to conclude on these matters.

Conclusion

20. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR