
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: 15 July 2019

Appeal Ref: APP/J2210/W/18/3216587

Lynsore Court Cottage, Pett Bottom Road, Lynsore Bottom, Upper Hardres CT4 6EE

- 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 R Sledger against the decision of Canterbury City Council.
 - The application Ref 18/01758, dated 21 August 2018, was refused by notice dated 25 October 2018.
 - The development proposed is described as outbuilding for holiday accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding for holiday accommodation at Lynsore Court Cottage, Pett Bottom Road, Lynsore Bottom, Upper Hardres CT4 6EE in accordance with the terms of the application, Ref 18/01758, dated 21 August 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 1, 2, 3, 4, 5, Proposed Ground Floor Plan, Block Plan and Site Plan.
 - 3) The use hereby approved shall be for holiday accommodation only and shall not be used as a second home or for the sole or main residence of any occupiers. No person shall occupy the building for a period exceeding six consecutive weeks within any three months. A register of bookings shall be maintained at all times and made available for inspection to an officer of the local planning authority upon reasonable notification and shall be available for a period of twelve months following the first and subsequent occupation of the building hereby permitted.
 - 4) Prior to the first use of the development hereby permitted, an ecological management plan shall be submitted to and approved in writing by the local planning authority. The plan shall thereafter be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 - 5) Prior to the first occupation of the development hereby permitted a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. Any lighting shall be implemented in accordance with the approved details.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

3. The main issues are:
 - whether the site is in an appropriate location with regard to access to services and facilities and impact on the countryside; and
 - the effect of the development on the landscape context and rural character and appearance of the area.

Reasons

Appropriation location

4. The appeal site is located to the rear of an existing dwelling accessed off Pett Bottom Road. The access runs beside the dwelling and leads to a stable area beyond which the appeal building is sited. Land levels drop significantly from the road and the landscape is undulating. The building is of a timber construction and is single storey.
5. The proposed development would convert the existing building into holiday accommodation and would involve the recladding of the building, the addition of an open sided log store, the infilling of the porch area, alterations to the detailing of the building, including the windows and doors, and the introduction of a green roof.
6. The site is in a rural location and is accessed via narrow roads. It is surrounded by fields and paddocks and dense landscaping. The site is detached from any nearby settlements and there are few facilities and services close by. Policies SP1 and SP4 of the Canterbury Local Plan (2017) (Local Plan) seek to direct development in the first instance to the identified settlements which are capable of accommodating growth. Policy TV7 considers rural tourism and states that tourism and recreation based rural diversification will be encouraged where they provide jobs for local residents, are of a scale and type appropriate to their location and there is no overriding conflict with other policies of the Local Plan.
7. Policy TV8 of the Local Plan specifically considers tourist accommodation, including new development for such purposes. It states that these will be permitted subject to compliance with a list of criteria. The proposed development would comply with parts a, b, c, d and e for reasons which I will consider below and in the following section. Policy TV8 also goes on to say that where new buildings are used for tourism facilities these should be related to an existing settlement and not isolated in the open countryside. This is to protect the character and appearance of the area and to reduce the need to travel by car.

8. Whilst a new dwelling in this location would not comply with the relevant development plan policies, the proposal seeks to use the building as tourist accommodation. The Appellant has identified that it could be used by visitors wishing to bring horses as they could be stabled in the adjacent stable block and kept in the paddock, in order that those staying at the property could utilise the surrounding bridleways. The Appellant has identified that there are few facilities in the area that offer space for stabling of horses.
9. As the existing building was constructed without the benefit of planning permission, the Council have considered the development as a new building within the countryside for the purposes of Policy TV8.
10. I acknowledge that the building is in an isolated location and an area detached from facilities and services, however, I have had regard to the nature of the use as holiday accommodation. Accommodation for rural tourism is frequently located in remote areas and relies to a significant extent on the use of the private car. However, it is often this remoteness and rural location that holidaymakers are seeking. It appears that the overarching aim of Policy TV8 is to prevent adverse impacts on the character and appearance of the open countryside and to reduce the need to travel by car. I will consider the impact on the character and appearance of the area in the subsequent section. The reliance on the use of a car would be reasonably limited as a result of the single unit of accommodation proposed which would be occupied by a limited number of visitors at one time.
11. There are public houses in proximity to the appeal site, which are also in remote locations, and the use of the building as holiday accommodation would be likely to generate additional visitors to these rural businesses thus contributing to their viability to an extent. I agree that this level of economic contribution, and the level of jobs created by the proposal would be limited from one property but would nevertheless make a small contribution to the rural economy in the area.
12. Consequently, whilst the proposal does not wholly comply with Policies SP1, SP4, TV7 and TV8 of the Local Plan, I have had regard to the nature of the proposal as rural tourism accommodation, and I find that for the above reasons the proposal would be in a suitable location for such a use.

Landscape and Rural Character and Appearance

13. The site is located within the Kent Downs AONB and an Area of High Landscape Value (AHLV). The approach to the site is heavily framed by trees and vegetation and the surroundings present an attractive and undulating landscape. The site is in proximity to an area of ancient woodland, Covert Wood and a nearby SSSI. A local wildlife site, Quilters Wood, is also close to the appeal site. The Framework, in paragraph 172 emphasises the importance of conserving and enhancing the landscape and scenic beauty of AONBs. Policy LB1 of the Local Plan similarly gives high priority to the conservation and enhancement of the AONB.
14. The building is located to the rear of the existing dwelling and behind a stable block. The appeal site, in particular around the building, is surrounded by dense and mature trees and hedging. From the road the land levels drop significantly down towards the building and from this viewpoint the building is

largely screened by the vegetation and stable block. It is mainly from within the appeal site itself that the building becomes more apparent.

15. The building is currently of a timber construction and the proposal involves the recladding with an oak weatherboarding finish. It also includes the replacement of the existing roof tiles with a green roof, an open sided log store in complementary finishes, and a number of alterations to the detailing of the building. I find these materials to be suitable within a rural landscape and would assist in the assimilation of the building within the landscape.
16. Consequently, the finished design of the property would result in an attractive building that would be appropriate to its rural surroundings. Whilst its occupation would give rise to a degree of domestication, as the property would be occupied on a short-term holiday let basis it would not have the same impacts as a permanently occupied residential dwelling that could result in the introduction of outbuildings and other domestic paraphernalia, and the use of this building would not result in a proliferation of buildings in the countryside.
17. For the above reasons I conclude that the proposed use would not be harmful to the existing rural character of the surrounding landscape and would preserve the natural beauty of the AONB and AHLV. It would therefore comply with Policies DBE3, LB1 and LB2 of the Local Plan which seek to protect and enhance the landscape character and ensure that the location, scale, design and materials of development does not have an adverse impact, amongst other things.

Other Matters

18. I note the letters of support received, however given my findings above it is not necessary for me to conclude on these matters.

Conditions

19. I have imposed the standard time limit condition and approved plans condition as suggested by the Council as this provides certainty. The Council requested no further conditions within their Statement of Case, however I note from their delegated report that conditions for a scheme of lighting and an ecological management plan were requested by a consultee. I consider both of these conditions to be necessary to protect the surrounding landscape and wildlife given the site's location within an AONB and AHLV.
20. The Appellant has suggested that a condition is imposed restricting the use and duration of visits and I consider this to be necessary to secure an appropriate tourism use.

Conclusion

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

R Norman

INSPECTOR