
Appeal Decision

Site visit made on 30 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/A2280/W/19/3219942

Capstone House, Capstone Road, Lordswood, Chatham ME7 3JE

- 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 & Mrs Pearce against the decision of Medway Council.
 - The application Ref MC/18/2228, dated 25 July 2018, was refused by notice dated 25 October 2018.
 - The development proposed is a detached 4 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be in a suitable location for housing having regard to the development plan and national policies;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on highway safety.

Reasons

Location of development

3. The appeal site is situated in an area designated, in policy terms, as countryside. Capstone Road is not part of a recognisable village and development in the area is generally arranged in a linear pattern along the single public highway. This runs approximately north-south along the base of the valley from Hale to the north towards Lidsing to the south. The nearest settlement at Hempstead is around a one mile walk to the southeast, accessed via a lane which has no pavements and no street lighting and via a footpath up the steep valley slope. I have not been informed of any local public transport services running along Capstone Road.
 4. Policy BNE25 of the LP states development will be strictly controlled and will not be permitted except where it complies with a limited range of specified categories set out in the Policy, which do not apply in this case. Consequently, the proposal would conflict with Saved Policy BNE25 of the LP that seeks to restrict inappropriate housing development outside the built confines of settlements.
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5. Accessibility to services, facilities and employment from the site other than by car would be poor and it is likely that those occupying the dwelling would rely heavily on the private car. Whilst I recognise that there is generally a greater reliance on the private car in rural areas, it remains the case that there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. To my mind this weighs heavily against the development.
6. Paragraph 78 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. Whilst the development would make a limited contribution to the local economy and social well-being of the area, these factors would not outweigh my concerns over the location of the proposal.
7. I have had regard to the judgements referred to by the appellant. However the Braintree District Council case is irrelevant as the Council did not refuse the proposal on the grounds of isolation and a development does not need to be isolated to be considered contrary to the development plan. Even if the appeal site is considered as previously developed land on the basis of the Dartford Borough Council decision, the proposal is precluded by the Council's policies for development outside settlements.
8. I conclude that the proposal would not provide a suitable location for housing. It would conflict with Policy BNE25 of the LP, which seeks to restrict inappropriate housing development outside the built confines of settlements and states that development will only be permitted if, amongst other things, it offers a realistic chance of access by a range of transport modes. It would also be inconsistent with the Framework which identifies that housing in rural areas should maintain or enhance the vitality of rural communities and promote sustainable transport.

Character and appearance

9. The appeal site comprises garden land to the front of the host property on the north-east side of Capstone Road. The site is relatively flat with local topography sloping steeply upwards towards the north-east and south-west.
10. The wider locality is clearly of some landscape and scenic quality. It is arable and wooded in character and there are long distance cross-valley views that contribute to the Capstone Valley Area of Local Landscape Importance and the Darland Banks character area, as outlined in the Medway Landscape Character Assessment 2011. Within this context the appeal site itself has only localised effects, being situated at the bottom of the valley and bordered by other residential development to the north, south and east and Chatham Ski Centre on the opposite side of the road to the west. Given the absence of public footpaths on this part of Capstone Road, the proposed development would only be readily apparent to a small number of other dwellings in the immediate area and from the public domain in fleeting glimpses to vehicles passing by.
11. I consider that whilst the appeal proposal would result in some urbanisation of the site, the development would not represent an incongruous or intrusive form of development into this area of open garden land. The design of the new house, although not exceptional, is acceptable and would be appropriate within its setting. The scheme would only be experienced by a limited number of receptors and the visual effects themselves would be minor given the presence

of other dwellings and the Ski Centre, and subject to a landscaping condition to soften the impact of the built form.

12. I therefore conclude that the scheme would not have a harmful impact on the character and appearance of the area. There would be no conflict with Policies BNE1, BNE25 and BNE34 of the Medway Local Plan May 2003 (LP), which seek to promote good design, maintain the character, amenity and functioning of the countryside to minimise harm to Areas of Local Landscape Importance. It would also be consistent with the advice in the National Planning Policy Framework (the Framework) which advocates good design and seeks to protect and enhance valued landscapes.

Highway safety

13. The appeal proposal would be served by a driveway using the existing access to Capstone House. Therefore contrary to the Council's reason for refusal, the scheme would not result in a new vehicular access from Capstone Road, rather an intensification of the existing access.
14. I acknowledge that Capstone Road is a narrow rural lane where there are no footpaths and street lighting and that visibility is restricted in places, however no concerns have been raised by the local highway authority on this issue. I consider that the additional traffic that would arise as a result of one dwelling would be minimal, particularly given the proximity to other houses, the Ski Centre and Capstone Farm Country Park. The effects of the unit would therefore be adequately absorbed by the local road network without significant harm to the safety or convenience of other highway users.
15. I conclude that the scheme would not result in harm to highway safety. It would comply with Policy T2 of the LP which aims to ensure the access is not detrimental to the safety of vehicle occupants, cyclists and pedestrians. The proposal is also consistent with the advice the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other matters

16. I acknowledge those matters that have been advanced in support of the proposal, including future development in the wider area, changes to the boundary treatment and the delivery of a Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy Mitigation Contribution Agreement. These however do not outweigh the harm that I have identified above.

Planning balance

17. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the proposal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the suitability of the location for housing. The absence of harm relating to other matters, including in terms of character and appearance and highway safety, is a neutral factor.
18. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing, with the evidence drawn to my attention by the appellant suggesting a shortfall of

around one year of supply. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.

19. The development would make a modest contribution to housing supply with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. There would be some minor benefits for biodiversity and from additional tree planting and changes to boundary treatment. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the unsustainable location of the development would significantly and demonstrably outweigh the benefits of the scheme. As such the presumption in favour of sustainable development does not apply in the particular circumstances of this case.
20. The conflicts with the development plan and the Framework when taken as a whole are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR