



Appeal Decision

Site visit made on 19 July 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 August 2019

Appeal Ref: APP/V2255/W/19/3226891

Barn Adjacent Bracondale And Newlands, Butlers Hill, Dargate ME13 9HH

- 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 Peters against the decision of Swale Borough Council.
 - The application Ref 18/505290/FULL, dated 9 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is conversion of a disused barn into a residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. While the address on the application form states 'Brecondale', from the evidence before me the correct name of the adjacent property is 'Bracondale'. I have therefore amended the address above accordingly.

Main Issues

3. The main issues are:
 - whether the proposed development would be in a suitable location for housing with particular regard to the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. The site is located outside a defined built-up area boundary and is therefore in the countryside in the terms of Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017 (LP).
5. From the evidence before me, the nearest settlement of Dargate has few services or facilities including a pub and other settlements, such as Faversham, with a wider range of services, are a significant distance away. Therefore, it is likely that future occupiers would be reliant on the private car for daily requirements. While there is a bus service, since the road lacks footpaths and streetlights, it would be likely to discourage use of the buses for users of the site thereby leading to likely further reliance on the car. While I

note that there are some services in Dunkirk, from the evidence before me, these would not remove entirely the dependence on the private vehicle for daily requirements. Therefore, for the foregoing reasons, the proposal would result in adverse environmental impacts.

6. I note the comments of the Inspector for the case at 'Brook Farm'¹ who found the site to be isolated in the terms of paragraph 55 of the former National Planning Policy Framework. The Framework was revised in February 2019 and on my reading the closest equivalent of paragraph 55 are paragraphs 78 and 79 in the revised version. However, that case preceded the Court of Appeal decision² where the judge found, 'the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand³.' That judgment remains relevant in my view as the revised text of the Framework is similar to the previous version. Since the site lies within a ribbon of housing and adjacent to existing buildings, it is within a settlement and not isolated in the terms of the Framework and would not conflict with paragraph 79 of the revised Framework in this regard.
7. However, although I have found that the site is not isolated in the terms of the revised Framework, and while I acknowledge that sustainable transport solutions will vary between urban and rural areas, this does not override the adverse environmental effects of the development that would arise from the dependence on the private motor vehicle. Given the limited accessibility of services and facilities, the proposal would do little to enhance or maintain the vitality of rural communities or support local services in the terms of paragraph 78 of the revised Framework.
8. I note the comments of the Inspector for the case at 'Acorns'⁴ who also concluded in a similar way that Dargate has limited accessibility of services and facilities. In any event each case must be determined on its individual merits. While I acknowledge that the revised Framework requires that great weight is attached to the benefits of using suitable sites within existing settlements for homes, given the limited accessibility of services and facilities, the site would not be suitable and would not accord with the revised Framework in this regard.
9. Consequently, the proposed development would not be in a suitable location for housing with particular regard to the accessibility of services and facilities. It would therefore conflict with LP Policies ST1 and ST3 which, amongst other things, seek to maintain the vitality of rural communities and direct development towards urban areas. It would also conflict with LP Policy DM14 which seeks development that accords with the policies and proposals of the adopted Development Plan unless material considerations indicate otherwise.
10. While the site may have been marketed for rent as a commercial property, there is little evidence before me to demonstrate that there is no demand for the site as a community facility. Therefore, the proposal would conflict with

¹ Appeal ref: APP/V2255/W/16/3148613

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

³ Paragraph 31 of the judgment

⁴ Appeal ref: APP/V2255/A/14/2223979

LP Policy DM3 in this regard. It would also conflict with paragraph 78 of the Framework.

11. LP Policy DM9 relates to affordable housing and is not directly relevant to the proposal which is for market housing.

Character and appearance

12. The site lies within a ribbon of moderately spaced housing with open countryside beyond such that the area has an open rural appearance. The existing barn has timber cladding, steep pitched roof and limited openings that give the building an agricultural character that is distinct from the other more common residential buildings in the vicinity. Consequently, the existing building through its agricultural appearance provides a distinct contribution to the street scene.
13. The proposed scheme would convert the existing agricultural barn building into a residential dwelling. While many of the existing openings at ground floor are proposed to be re-used, the proposal includes significant widening of the openings in both gable ends at first floor. Since the agricultural character of the building is reliant on small openings among other things, the proposal would detrimentally alter the agricultural appearance of the building and would be in conflict with 'The Conservation of Traditional Farm Buildings' SPD (SPD) which seeks to preserve the character of traditional agricultural buildings. Given the distinct contribution that the existing building makes to the street scene and area, the proposal would also adversely affect the character and appearance of the surroundings.
14. Furthermore, the proposal includes a number of roof lights that would break up the sweep of the roof that is characteristic of such agricultural buildings. This aspect of the proposal would therefore further diminish the agricultural character of the barn. I note that the appellant has submitted revised drawings as part of the appeal which omit the roof lights that were proposed in the application drawings. Even if I were to have regard to these drawings, since they retain the widened openings in the gable ends at first floor, the proposal would still harmfully alter the agricultural appearance of the building.
15. Consequently, the proposal would harm the character and appearance of the area. Therefore, it would conflict with LP Policy DM14 which among other things seeks development that reflects the positive characteristics and features of the site and locality. It would also conflict with LP Policy DM16 which requires among other things that alterations to existing buildings are of an appropriate design and quality which respond positively to the style and character of the building being extended. It would also conflict with the SPD and the revised Framework in this regard.

Other Matters

16. I note the proximity of the site to The Swale Special Protection Area (SPA). Had I found the appeal development to be acceptable in terms of location and character and appearance, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the unsuitability of the site for housing and the harm to the character and appearance of the area that would arise from the development.

17. I acknowledge the willingness of the appellant to provide financial contributions towards the mitigation measures. However, while not determinative, as no mechanism to secure financial contribution towards the mitigation measures has been provided, it has not been demonstrated that the proposal would not harm the SPA. Therefore, the proposal would not accord with the Framework in this particular regard which attributes high levels of protection to Special Protection Areas.
18. While I note local comments regarding the existing building being made habitable rather than falling into disrepair, given the harm to character and appearance and the unsuitability of the location for housing, this does not override the harm identified.

Planning Balance

19. The Council has stated that it can demonstrate a five-year housing supply. However, the appellant has drawn my attention to the Housing Delivery Test which indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years and this is undisputed by the Council.
20. The proposal would provide a limited contribution of a single dwelling to the local housing supply, some social benefit through the contribution of future occupiers to the local community and there may be some temporary benefit during the construction process. However, given the limited scale of the proposal these benefits would be limited.
21. Since the proposal would result in housing in an unsuitable location as well as harm to the character and appearance of the area, I attribute significant weight to the adverse effects of the proposal. Therefore, even if the tilted balance in the terms of paragraph 11(d) of the Framework is engaged, the adverse effects would significantly and demonstrably outweigh the benefits.

Conclusion

22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR