
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: 12 August 2019

Appeal Ref: APP/A2280/W/19/3220798

Coombe Lodge, Coombe Farm Lane, St Mary Hoo, Rochester ME3 8RL

- 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 Neville Turner against the decision of Medway Council.
 - The application Ref MC/18/3016, dated 28 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is to remove the existing timber frame stable building and erect a new 2 bedroom holiday let in the same position on the site.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Neville Turner against Medway Council. This application is the subject of a separate Decision.

Main Issues

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

Reasons

Suitability of location

4. The appeal site comprises an existing stable block, store and yard. To the north are two detached houses. The buildings are accessed by a rural track and are surrounded by paddock land and open countryside that forms part of the North Kent Marshes Special Landscape Area (SLA).
 5. The nearest villages of Lower Stoke and Allhallows are some 1.5 miles away from the site and have some local facilities. There is a bus service in the area however this appears to be infrequent. Whilst it would also be possible to walk to the villages, the journeys would only be practical via country lanes, which have no pavements and no street lighting. Within this context I do not consider that the closest services or facilities are within a distance of the site that makes them readily accessible by sustainable modes of transport. Consequently occupants of the proposed holiday let would come to rely on a private car to access local services to meet their day to day needs.
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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. However, the contribution one additional dwelling and its occupants would make to the vitality of the rural community would be small. Moreover, there is no evidence to suggest that the existing services and facilities within the settlement are under threat.
7. Paragraph 79 of The National Planning Policy Framework (the Framework) makes it clear that isolated homes in the countryside should be avoided unless there are special circumstances. The word isolated is not defined in the Framework, however in *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin) the judge found that isolated should be given its ordinary dictionary meaning of "far away from other places, buildings or people; remote".
8. There are 2 houses in the vicinity of the site with sporadic development further afield, primarily along Ratcliffe Highway. I do not consider that they are sufficiently numerous or concentrated such that they form a settlement. In addition the site is significantly detached from nearby villages and could not be considered part of them. Therefore, while I note the presence of the dwellings to the north, I find that the appeal site is not associated with an existing place or settlement, and as such should be judged to be isolated for the purposes of paragraph 79 of the Framework.
9. I conclude that the proposal would be isolated, would not enable sustainable journeys to be made, and would fail to support the vitality of rural communities. It therefore would conflict with Policy BNE25 of the Medway Local Plan 2003 (LP) which seeks to protect the character of the countryside and promote 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 should not be isolated.

Character and appearance

10. The existing stable building is a low level, modest timber structure with shallow pitched roofs. It is not an uncommon feature in rural environments and is relatively unobtrusive. Immediately adjoining the stables is an open grassed field, part of which forms the rest the appeal site. Open countryside adjoins to the east and further to the south and west. Therefore, although the appeal site adjoins 2 residential dwellings to the north, its equine facilities and grassed area have more natural affinity with the predominant surrounding rural landscape.
11. The result of the proposal would be to extend the line of residential ribbon development into the open countryside. The appeal scheme would have a greater floor area and height than the existing stable block, and a new boundary would also be created, subdividing the paddock. Taken together these would significantly increase the prominence of the proposal in comparison to the existing situation to the detriment of the verdant setting. Residential development of this order with a garden and any associated domestic paraphernalia would lead to the urbanisation of an essentially rural environment to the detriment of the intrinsic character and beauty of the countryside and the SLA. I note the appellants' contention that a holiday let would mean that people are only staying for short periods, however parked

vehicles will still adversely change the character of the area and it is likely that holiday makers may also want to dry their washing outside or have a barbecue.

12. I therefore conclude that the scheme would harm the character and appearance of the area. It would conflict with Policies BNE25 and BNE33 of the LP, which seek to protect the character of the countryside and conserve and enhance the natural beauty of the area's landscape.

Other matters

13. As part of its appeal statement, the Council was concerned that the proposal would prejudice users of the Public Right of Way (PROW) that runs across the land, and that the location of the PROW in relation to the appeal scheme would result in harm to the living conditions of future occupiers of the development through loss of privacy and security. However, in its subsequent costs response the Council has indicated that it no longer wishes to pursue the matter.

Planning balance

14. I acknowledge those matters that have been advanced in support of the development, including the creation of a new tourist accommodation unit and that there would be no adverse harm to the living conditions of occupants of neighbouring properties. These however do not outweigh the harm that I have identified above.
15. 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 location of the development and the character and appearance of the area. For the reasons stated previously I give substantial weight to this harm.
16. The development would make a positive, albeit small, contribution to housing supply with associated social and economic benefits, including to the local economy during construction. Due to the scale of the development and the benefits arising from it I give these benefits limited weight. The absence of harm relating to other matters, including in terms of neighbouring amenity, are a neutral factor.
17. The appellants state that the Councils policies are out of date and paragraph 11(d) of the Framework should therefore be applied. However, although they are 16 years old I consider that the policies relevant to this proposal are broadly consistent with the Framework in so far as they seek to protect the character of the countryside, promote access by a range of transport modes and conserve and enhance the natural beauty of the area's landscape. They therefore carry significant weight.
18. Nonetheless, even if I were to consider the scheme against paragraph 11d(ii) of the Framework, the adverse impacts of granting planning permission in this case in terms of the harm due to the location of the development and the effect on the character and appearance of the area would significantly and demonstrably outweigh the benefits of the single dwelling proposed. The proposal would not therefore represent sustainable development.

Conclusion

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

C Hall

INSPECTOR