The Planning Inspectorate

Appeal Decision

Site visit made on 31 July 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/X2220/W/19/3226565
Land Adj. to Westfields, Hangman's Lane, Ringwould, Deal, Kent CT14 8HW

- 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 Guy Hudson against the decision of Dover District Council.
- The application Ref DOV/18/00915, dated 24 August 2018, was refused by notice dated 1 February 2019.
- The development proposed is described as a new dwelling and associated garage and car parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;

    - The effect of the proposal on the character and appearance of the surrounding countryside.

    - Whether the appeal site is in a suitable location for housing with regard to adequate access to services.

Reasons

Character and appearance

3. The appeal site is located outside the settlement boundary for Ringwould and is accessed via Hangman's Lane, which is a narrow a 'no through' lane, with no pavements or street lights. The site is located alongside two dwellings and a nursery which are surrounded by flat open countryside, where some of the fields are enclosed by trees and hedges. The appeal site formerly comprised part of the domestic garden to the adjacent dwelling, 'Westfields' and currently appears to be unused. It is maintained as an area of mowed grass and is enclosed by mature trees on three sides. Although the site has water and electricity connections and two cesspits they are not apparent in views from Hangman's Lane.

4. Overall, whilst the site is not used it nonetheless contributes to the local landscape with its area of open grassland and mature trees. It also helps to

screen and soften views of the adjacent dwelling and nursery within the landscape and adds to the rural setting of Ringwould.

5. The proposed dwelling and associated garage, hard surfacing and parking area would be located towards the front of the site, where they would have an urbanising impact on the character and appearance of the appeal site and its countryside setting. Due to its size and height the proposed dwelling would be clearly visible in views from Hangman's Lane and the public bridleway in the adjacent field, particularly during the winter months. Even if soft landscaping were to be planted to the front of the site to shield the development from wider views, it would take some time to mature and could not be relied upon to become permanent. Similarly, the existing mature evergreen trees around the site could not be relied on to continue to screen the site from the adjacent open countryside.

6. Rather than be seen as rounding off a small group of buildings it would be seen as an extension to them, which would encroach into and have a suburbanising impact on the surrounding undeveloped countryside.

7. For these reasons the proposal would fail to respect the landscape characteristics and local distinctiveness of the area and would materially detract from the character and appearance of the surrounding countryside and the rural setting of Ringwould. This harm would materially outweigh the ecological benefits resulting from the creation of a small wild flower meadow in the rear section of the site. This is not a matter that could not be adequately dealt with by condition.

8. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the surrounding countryside. It would be contrary to Policy DM15 of the Dover District Local Development Framework Core Strategy 2010 (CS) and paragraphs 117, 127 and 170 of the Framework. Collectively they seek to make efficient use of land whilst ensuring that the intrinsic character and beauty of the countryside is recognised and that new development is sympathetic to local character, adds to the overall quality of the area, safeguards the environment and does not adversely affect the character or appearance of the countryside.

Location

9. The Framework advocates a plan-led approach and states that planning policies and decisions should play an active role in guiding development towards sustainable solutions. In relation to rural housing the Framework states that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Isolated new homes in the countryside should be avoided other than in certain specified circumstances which do not apply to the appeal site.

10. The Settlement Strategy for the district as set out in Policies CP1 of the CS is to concentrate new development within the larger and more accessible settlements, whilst facilitating some growth in the smaller rural settlements. It identifies Ringwould as a village which is suitable for a scale of development that would reinforce its role as a provider of services for the local community.

Within the countryside Policies DM1 and DM11 of the CS seek to restrict new housing and proposals that would generate travel will not be permitted outside the confines of rural settlements unless justified by other development plan policies. Chapter 9 of the Framework seeks to promote opportunities for walking, cycling and public transport, in line with the objectives of sustainable transport.

11. The appeal site is located more than 200 metres along Hangman's Lane from the defined settlement boundary for Ringwould. Hangman's Lane is a narrow rural lane with no pavements or street lighting and is separated from the settlement by open farmland. Due to the distance between the appeal site and the settlement, together with the limited community facilities in Ringwould I am not convinced that the occupiers of the proposed house would choose to walk to them. Whilst I acknowledge that there are bus stops along Dover Road and a number of community facilities within a few miles of the appeal site, as stated by the Council the bus stops are more than 600 metres from the appeal site and few details have been provided regarding the current frequency and destinations of local bus services. Also, the occupiers of the proposed development would likely need to travel longer distances for employment, supermarkets, various medical services and sports facilities, etc.

12. Accordingly, on the basis of the information submitted, I consider that the occupiers of the proposed development would be likely to place strong reliance on transport by car. I also find that due to its physical separation from the village the appeal site fails to relate satisfactorily to the main settlement and would not contribute to the growth of the settlement.

13. It is accepted that the appeal site is not used for agricultural purposes, having previously been used as garden area to the adjacent dwelling. As such it has retained some of its domestic appearance and currently serves no useful purpose. However, I do not find that the site is unique as it is not uncommon for dwellings in the countryside to occupy spacious plots that have the potential to be split off. More importantly, the development of the appeal site for a new dwelling would be counter to the development plan policies and the Framework as a whole.

14. I therefore conclude on the second main issue that the appeal site would fail to provide a suitable location for housing having regard to the Council's adopted Settlement Strategy and the location of the appeal site within an area of countryside. The proposal would conflict with the development plan as a whole and in particular Policies CP1, DM1, DM11 and DM15 of the CS, as well as the transport objectives set out in the Framework.

Other matters

15. Under the precautionary principle set out within the Conservation of Habitats and Species Regulations 2017 (2017 Regulations), it is necessary to consider whether the appeal proposal is likely to have a significant effect on the internationally important features of the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar sites, alone or in combination with other plans or projects. If the risk or possibility of significant effects cannot be excluded, an Appropriate Assessment (AA) must be undertaken.

16. The Council has stated that in view of the limited size of the proposed development a contribution towards the Thanet Coast and Sandwich Bay SPA

and Ramsar Mitigation Strategy (Mitigation Strategy) would not be required due the administrative costs involved. Notwithstanding this, the development would still be mitigated by the Mitigation Strategy as the Council would draw on existing resources to fully implement the Mitigation Strategy that has been agreed with Natural England. As a consequence, I find that the proposal would not be likely to have a significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites, and in any event, I am dismissing the appeal for other reasons so there is no benefit in me undertaking an AA.

17. The construction of the proposed scheme would provide employment and the occupiers of the proposed dwelling could provide some of support for local services and facilities. However, as the proposal only involves one dwelling, the economic and social benefits would be very limited.

18. There is some dispute over whether or not the District has a deliverable supply of sites to provide a minimum five-year supply of housing sites. However, the lack of a five-year supply of housing does not automatically lead to the grant of planning permission. Even if I were to accept the appellant's version of the housing land supply position, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits resulting from one dwelling on the appeal site when assessed against the policies in the Framework taken as a whole. Therefore, the dwelling would not represent sustainable development.

19. I have had regard to all other matters raised, including the letters of support from the neighbours, but none outweigh the conclusions I have reached.

Conclusion

20. For the above reasons, I dismiss the appeal.

Elizabeth Lawrence

INSPECTOR