



Appeal Decision

Site visit made on 17 September 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 26th September 2019

Appeal Ref: APP/Z2260/W/19/3229301

Elmwood Farm, Elmwood Avenue, Broadstairs CT10 3PA

- 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 G Philpott of G G Philpott & Son against the decision of Thanet District Council.
 - The application Ref F/TH/19/0174, dated 8 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is erection of 4no. units of self-contained holiday accommodation together with ancillary development, new vehicle access and all associated engineering operations and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The draft Thanet Local Plan has been published and submitted but has yet to be examined and found sound. Therefore, it only attracts limited weight in my determination of the appeal as a further material consideration.

Main Issues

3. The main issues are, the effect of the development on:
 - The character and appearance of the site and the landscape of the surrounding area; and
 - Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and appearance

4. Elmwood Avenue is a country road dropping down to the coast between Broadstairs and Margate. Part of the road has mature trees on both sides which gives it an enclosed character but as it reaches the coastline the tree screen bounds a golf course on one side only while the other side is open affording expansive views of Joss Bay.

5. The appeal site and the surrounding buildings which are of agricultural and equestrian style sit close to the built-up area of Broadstairs and they are primarily screened by trees. However, a footpath runs between the site and the Elmwood Farm buildings and the adjacent fields which allows for clear views into the site and towards the sea. Furthermore, as a result of the rising level of the land and the limited boundary features, the site is clearly visible alongside the large shed in views from the coastal footpath and other footpath links.
6. There is no dispute between the parties that the site falls within the countryside and within a Green Wedge which is defined by the Development Plan. The supporting text to Policy CC5 of the Thanet Local Plan 2006 (the Local Plan) describes the essence of the Green Wedges as maintaining the permanent setting of open countryside around and between the Thanet towns. In this case the Green Wedge separates Broadstairs and Margate.
7. Policy CC5 of the Local Plan accords with policies in the National Planning Policy Framework (the Framework) which seek to ensure that planning decisions contribute to and enhance the natural and local environment through protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.
8. There were stacks of pallets, three containers and a caravan on the site at the time of my visit, however these features are temporary in form and appearance, and they do not detract from the contribution which the natural green space makes to the wider landscape. In contrast the proposed holiday units would be permanent structures which although of lesser scale than adjacent agricultural building, would be a visual incursion into a green space and would lead to a consolidation of built form within this part of the Green Wedge.
9. As a consequence of the prominent location of the site and the degree of visibility of it from the immediate vicinity of the footpath and in the wider views, the loss of green space would have a harmful effect on the landscape. Given the acknowledged importance which the wider landscape as a whole makes to the character of the coastal towns, this outcome would be contrary to the stated aim of the Green Wedge designation.
10. The appellants have suggested planting could be carried out to screen the development and that a planning condition could secure a landscaping strategy. However, there are very limited details before me of any proposed tree or shrub planting and I am not convinced that natural screening would overcome my concerns about the appearance of the development in the wider landscape. Furthermore, as the holiday units would be laid out and would have extensive glazing to take advantage of the views of Joss Bay and any extensive landscaping would be counter-productive to this design philosophy, the screening would be at risk of being removed or reduced.
11. Notwithstanding the adverse impact of the development on the landscape, Policy CC5 of the Local Plan allows for new development within a Green Wedge where it is essential for it to be located there. Policy CC1 of the Local Plan restricts new development in the countryside unless there is a need for the development which overrides the need to protect the countryside. Again, these policies accord with the Framework.

12. The appellants argue that the appeal scheme forms part of a diversification strategy for the farm and that it would complement the existing riding stables. Furthermore, they highlight that all of the land associated with Elmwood Farm lies within the Green Wedge and it follows that any development associated with farm diversification would fall within that designation. In support of these arguments the appellants have provided information about other buildings in the land holding and how they are used. The conversion of existing buildings is ruled out by the appellants on the grounds that they are currently in use or cannot be accessed safely. However, there is very limited evidence in terms of an overall strategy for the farm holding, including whether an alternative site for the holiday units is possible, or information to demonstrate a need for further diversification. On this basis, whilst the appeal proposals may be desirable in terms of the business and are supported by policies in the Framework which encourage diversification of rural businesses, the appeal submissions do not demonstrate that it is essential for the holiday units to be located on the appeal site.
13. The appellants argue that the Thanet Destination Management Plan (DMP) lends support for the scheme. However, this document does not appear to form part of the Development Plan and there is limited substantive evidence to demonstrate how the appeal proposals in particular would contribute to the DMP. On this basis this reference carries limited weight in my determination of this appeal, and it does not outweigh the harm that I have identified in relation to this main issue.
14. I conclude that the appeal scheme would have a harmful effect on the character and appearance of the site and the landscape of the surrounding area. The development is therefore contrary to Policies CC1 and CC5 of the Local Plan. These policies, jointly, restrict new development in the countryside and within a Green Wedge. For similar reasons the development would not accord with policies in the Framework when read as a whole.

Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI)

15. The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. The appeal site is adjacent to the SPA which is a European Site.
16. Circular 06/2005 sets out that the decision on whether or not an appropriate assessment is necessary should be made on a precautionary basis. In this case the site's distance to the SPA means that there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of the development. Although this may be minimal of itself, a significant effect would occur, particularly when considered in combination with other new development in the surrounding area including hotels and tourist accommodation. Adopting the precautionary approach, I consider that there is a potential for recreational disturbance to the SPA through additional activity associated with this development, particularly derived from its use as holiday units, which would affect the integrity of this European site.
17. I am only required to carry out an Appropriate Assessment where the circumstances that could lead to a grant of planning permission are present. In

this case while I have established that the development could have a likely significant effect (either alone or in combination) on the European site I am intending to dismiss the appeal on other grounds, therefore, there is no prospect of planning permission being granted. On this basis, notwithstanding that a Unilateral Undertaking has been submitted, it is not necessary for me to undertake an Appropriate Assessment or give any further consideration to Habitats Regulation Assessment.

18. The SSSI is not a European Site, therefore it does not fall to be considered under the appropriate assessment regime. Notwithstanding that it is a nationally designated site, I have very limited evidence to suggest that there will be any impacts on the SSSI arising from the development. On this basis the reference to the SSSI by the Council has had limited weight on my determination of this appeal.

Other Matters

19. Elmwood Farmhouse, which is part of the Elmwood Farm complex, is a Grade II listed building. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. However, as a consequence of the distance between the appeal site and Elmwood Farmhouse and the presence of intervening buildings, the appeal scheme would not harm the setting of the listed building
20. I note from the evidence that the appellants consider that the Council's view of the scheme has changed over time. However, the way in which the Council handled the pre-application advices and the subsequent application is not a matter for me to consider in the context of this appeal, which I have determined on its own individual merits.

Conclusion

21. For the reasons set out above, the appeal is dismissed.

Sarah Dyer

Inspector