



Appeal Decision

Site visit made on 3 September 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/J2210/W/19/3228785

Land between Ela's House and Linkfield, Westcourt Lane, Woolage Green, Womenswold, Kent CT4 6SD

- 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 Numan Sherifali against the decision of Canterbury City Council.
 - The application Ref 18/02139, dated 18 November 2018, was refused by notice dated 13 December 2018.
 - The development proposed is a new single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the site would be a suitable location for housing and the effect of the proposal on: (i) the setting of the Woolage Green Conservation Area (the CA); (ii) the setting of the listed building, Two Sawyers; and (iii) the character and appearance of the Area of High Landscape Value (AHLV) and the Area of Outstanding Natural Beauty (AONB) within which the site lies.

Reasons

Suitable location for housing development

3. Policy SP4 of the adopted Canterbury District Local Plan (2017) states that new housing development should primarily be concentrated in the urban centres of the District, with new development in the rural settlements limited and in proportion to their scale and position in the settlement hierarchy. This is based on the size of settlements and the range of services they possess.
4. It states that development within hamlets, in this case Woolage Green, will be permitted if they specifically meet an identified need. The appellant has stated that the proposal is intended for the appellant's son and his family who have been unable to find affordable housing in the village. Whilst I empathise with this position, I do not find the evidence sufficiently compelling and note that there is an absence of supporting evidence identifying a need for housing in this location from either the Parish Council or a community forum.
5. Having had regard to paragraph 78 of the National Planning Policy Framework (the Framework), the physical location of the proposal adjacent to the existing

property, would not result in new isolated homes in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 78 of the Framework. Nevertheless, there would still be minor negative environmental and social effects arising from the location and the accessibility of local services.

6. I conclude on this issue that the proposal is not a suitable location for housing having with regards to the accessibility to services and facilities.

Character and Appearance – setting of the Conservation Area.

7. The appeal site accommodates a two-storey detached dwelling. It is set back and at a higher level than the road. The existing dwelling is positioned in a central position on the plot, allowing garden area on all four sides. A low hedgerow forms the rear garden boundary giving it a feel of openness which blends in with the field beyond. Located between the appeal site and the road sits the Grade II listed public house known as 'Two Sawyers', which fronts onto Westcourt Lane. On the other three sides lies open countryside. The site immediately abuts the CA.
8. The settlement is grouped around the village green and extends in linear form along the three roads which feed into the heart of Woolage Green. The surrounding area mainly consists of detached dwellings fronting the road with gardens to the front and rear. The prevailing pattern of development is typical of a rural, attractive and tranquil hamlet characterised by a variety of buildings centred around the village green. The openness of the area is a particularly important feature of the CA.
9. The appeal proposal seeks to erect a single-storey two-bedroom detached dwelling on the north western part of the existing garden of the host property. It would have a low-pitched roof with windows at ground floor, as well as rooflights. The proposed dwelling would be located centrally within the plot with its own garden surrounding the dwelling. The dwelling would gain access via the existing driveway which serves the host dwelling. Parking spaces would be situated between the dwelling and the boundary with Two Sawyers. I find that this lack of direct road frontage would be completely at odds with the historic pattern of development in this area.
10. Whilst the appeal proposal would be relatively modest in size and scale compared to the host property, it would occupy a substantial part of the plot. It would be clearly visible from the street as the land that it sits on is at a higher level. The development would be more prominent when viewed from Woolage Green as it is at a higher level than the road and would result in an unacceptable urbanisation of the land.
11. I conclude that the proposal would unacceptably reduce the openness in this part of the hamlet and be an incongruous form of development and would harm the setting of the CA.
12. The proposal conflicts with Policies DBE3, HE1, HE4 and HE8 of the adopted Canterbury District Local Plan (2017) which seek to protect, conserve and enhance the historic environment.

Character and appearance – setting of the listed building

13. The area to the rear of the 'Two Sawyers' is one of open character with a garden area immediately adjacent, followed by open fields. I find that the proposed development would erode this openness, thereby adversely affecting its setting.
14. Concluding on this issue, the proposed development would not preserve the setting of the 'Two Sawyers' and would result in harm to the significance of this listed building. Therefore, it would conflict with Policies DBE3, HE1, HE4 and HE8 of the adopted Canterbury District Local Plan (2017) which seek to protect, conserve and enhance the historic environment.

Character and appearance of the AHLV and the AONB

15. Whilst the appeal site forms part of the garden of the host property, for the reasons I have already given, the proposed development would unacceptably erode the rural character and openness of this part of the hamlet. The appellant argues that the impact would be limited due to the surrounding buildings and would not affect the wider setting. However, I find the proposal is an unsympathetic and significant form of built development on an open garden, which contributes to the character and appearance of the area. I find therefore that it would fail to preserve or enhance the natural beauty of the AHLV and the AONB.
16. I conclude on this issue that the proposal conflicts with Policies LB1 and LB2 of the adopted Canterbury District Local Plan (2017) which seek, amongst other things, to conserve or enhance the landscape character of the AHLV and AONB.

Other Matters

17. The appellant has drawn my attention to an appeal on land at Howfield Lane, Chartham, Kent CT4 7HG (*APP/J2210/W/16/3155379*). I note that while the Inspector concluded that the proposal was acceptable in terms of the suitability of the location for development, the proximity to services and facilities is not identical to this appeal. The effects on the character and appearance of the area also differ with this proposal, as it is adjacent to a CA and a listed building. Therefore, this appeal decision has had little bearing on my findings.
18. The appellant has stated that the proposed development would positively assist in boosting the supply of housing in the area, although the contribution from one dwelling would nevertheless be relatively limited. The proposal would also generate some short-term employment through its construction. Some further modest benefits would result from additional support to the vitality of the local community from the occupiers of the dwelling.
19. I am also aware that letters in support have been made in respect of the proposal from neighbouring properties. None of these matters alter or outweigh the harm I have identified.

Conclusion

20. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal and I have already concluded that the proposal would cause harm to the setting of the CA and the listed building. I consider

there would be 'less than substantial harm' as the proposed dwelling would be modest in size and to the rear of the plot.

21. The proposal is for one additional dwelling which would provide a very modest contribution to the housing stock and social benefits to the local community. It is also one where a local need case has not been supported.
22. I find therefore that the proposed development conflicts with the aims of the Framework as the public benefits would not outweigh the harm to the heritage assets. Finally, it would not preserve the setting of the listed building as required by Section 66(1) of the LBCA Act, but instead would be harmful. This carries considerable weight and importance to my decision.
23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Smith

INSPECTOR