



Appeal Decision

Site visit made on 11 November 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/J2210/W/19/3224514

Fairview, Wellington Street, Whitstable, Kent CT5 3DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Bridge against the decision of Canterbury City Council.
 - The application Ref 18/02198, dated 19 October 2018, was refused by notice dated 4 January 2019.
 - The development proposed is described as 'outline planning for 3-bedroom bungalow and double garage'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration. I have assessed the proposal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would be in a suitable location with reference to local plan policies concerned with housing in rural areas;
 - The accessibility of services and facilities; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Local policies concerned with housing in rural areas

4. The Council has provided an extract from the adopted policies map that demonstrates that the appeal site is located outside the defined settlement boundary of Whitstable, this being broadly marked by Thanet Way. Accordingly, the appeal site is in the open countryside for the purposes of applying the policies in the Canterbury District Local Plan 2017 (LP).
5. The spatial strategy in the LP is to follow a sequential approach to the location of new development, whereby new housing is to be distributed in accordance with a settlement hierarchy. To achieve this, Policy SP4 of the LP sets out the types of development that is to be supported in the defined urban areas, rural

service centres, villages, and hamlets. It states that in the open countryside development will be permitted if required for agriculture and forestry purposes as per Policy EMP13 of the LP. The proposal would not be the type of development permitted by Policy EMP13.

6. Moreover, the appeal scheme would not be the type of new dwelling permitted by Policy HD4 of the LP, such as a rural worker's dwelling, a proposal of exceptional quality or the reuse of an existing building or heritage asset. The negative corollary is that the proposal would be at odds with Policy HD4.
7. In conclusion, the proposed development would not be in a suitable location when considering Policies SP4 and HD4 of the LP. Thus, the proposal would offend development plan policies concerned with housing in rural areas. As such, it would harmfully undermine the adopted spatial strategy and the consistency and relative certainty that should flow from a genuinely plan led approach to the location of new development¹.

The accessibility of services and facilities

8. The appeal site encompasses part of the garden of Fairview and is accessed from Wellington Street. It is located on the periphery of a small cluster of dwellings south of the A299 at Clapham Hill.
9. It would be possible to walk into Whitstable from the appeal site and future residents may do this on occasion. The walking environment is not unattractive with Wellington Street and Marlborough Street appearing lightly trafficked. There is no street lighting, but this is not unusual in a rural area. However, given that the appeal site is around two miles from the town centre, it is unlikely future occupants of the appeal scheme would regularly walk into the centre of Whitstable to access the services and facilities on offer there. This may result in future residents being predisposed to use private motorised transport to access most everyday services and facilities.
10. However, there are some facilities to the immediate north of the A299 and a pavement linking these to Marlborough Street. Accordingly, there are some facilities in what appears to be a comfortable walking distance of the appeal site. In addition, the appellant has indicated that there is a bus stop within a third of a mile from the appeal site. The Council has not disputed this. Therefore, future residents would have access to a bus service, although it is unclear how regularly it operates.
11. Cycling would be an option as a viable alternative to travel by car as the distance into Whitstable by this mode of travel would not be excessive. That said, future occupants of the appeal scheme may not have the fitness, proficiency or confidence to cycle regularly, particularly as it would involve negotiating the Clapham Hill roundabout and the B2205, which is the most direct route, but appeared to be quite busy with traffic.
12. In conclusion, when taking account of the appeal site's rural edge of town situation, where opportunities for sustainable transport will be inherently more limited than more urban areas, the appeal site is reasonably well placed to access services and facilities other than by private car and to capture the health benefits from doing this. Future occupants need not be car reliant.

¹ The Council has referred to Policy SP1 of the LP in its first reason for refusal, but it is not relevant because it relates to an approach to decision making that has not been engaged

Accordingly, there would be no conflict with Policy T1 of the LP, which sets out a transport strategy of providing alternative modes of transport to the car.

The effect on the character and appearance of the area

13. The appeal scheme would result in some inherent urbanisation of the countryside as a building would be constructed where there is not one at present. This would erode the intrinsic character and beauty of the countryside.
14. However, this impact would be very minor in magnitude due to the scale of the proposal, and because the new dwelling would be largely screened in views from Wellington Street by Fairview and from other directions by the dense woodland around the site. Accordingly, the new dwelling would have a very limited visual envelope, which is unlikely to expand in any significant way beyond the immediate environs of the appeal site. It could also leave the sky line uninterrupted as a single storey structure is initially proposed.
15. As such, the new dwelling would be largely appreciated in the context of the existing nearby dwelling and its garden and in this respect, the appeal scheme would not appear as a harmful or discordant incursion into the rural landscape. Furthermore, the appellant's intention is for the structure to be a modest single storey dwelling of a conventional domestic scale. This would further soften the impact on the countryside (if followed through into the reserved matters) and integrate the scheme into the landscape.
16. In conclusion, the proposal would not harm the character and appearance of the countryside and the rural landscape and would therefore be appropriate to its context and setting. It therefore follows that a conflict with Policy DBE3 of the LP would not occur.

Other Considerations

17. The Council have suggested that the appeal scheme would have a significant adverse effect through recreational disturbance on the Thames, Medway and Swale Estuaries and Thanet Coast and Sandwich Bay Special Protection Areas. However, given my overall conclusion the proposal would have no effect on the SPA and therefore I have not considered this matter further.
18. The appeal scheme would be in the position of a former dwelling evidenced in aerial photographs from the early 1990s. However, this structure has now been removed and cannot form a fallback position for the appellant. Instead, the principle of a new dwelling needs to be considered afresh against the extant development plan. The appellant has also referred to the 'local authority already granting approval for new housing developments', but little further detail has been provided to indicate this is relevant to the appeal before me and therefore this is not a determinative point.
19. The proposal would very modestly increase the supply of housing. Nevertheless, I have not been presented with evidence to suggest the Council are unable to demonstrate a five-year housing land supply as required by the National Planning Policy Framework (the 'Framework') and therefore this is a benefit of limited weight. There have been no objections to the proposal from technical consultees such as the Local Highway Authority or in respect of other matters including water supply and rubbish collection, but the absence of harm is a neutral matter as opposed to a benefit.

20. The proposal would result in benefits to the construction industry and future residents may spend locally and generally support the local community. However, the contribution to the construction industry would be short lived and I have seen nothing to suggest the 'spend' from one additional household would have a notable effect on the viability of local facilities or the additional residents to the vitality of the community. As such, the collective benefits of the appeal scheme would carry limited weight. This would not outweigh the conflict with the development plan, a point I afford significant weight given the guidance in the Framework that planning permission should not usually be granted for a proposal that conflicts with an up to date development plan.

Conclusion

21. The proposed development would not harm the character or appearance of the countryside and future residents would be reasonably well placed to access services and facilities without reliance on private motorised transport. However, it would be at odds with the spatial strategy in the development plan and this is not outweighed by other considerations. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR