

Appeal Decision

Site visit made on 17 December 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/J2210/W/19/3230513

The Mill House, 40 Tyler Hill Road, Blean, Kent CT2 9HT

- 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 Edward Vant against the decision of Canterbury City Council.
 - The application Ref 18/01945, dated 20 September 2018, was refused by notice dated 13 December 2018.
 - The development proposed is a new single storey dwelling on garden land adjoining The Mill House.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The suitability of the location for residential development having regard to its location and the need to travel.
 - The effect of the development on the character and appearance of the site and the surrounding area and whether or not the development would preserve or enhance the character and appearance of the Blean Conservation Area.

Reasons

Suitability of the Location

3. Policy SP4 of the Canterbury District Local Plan 2017 (CDLP) allows for the provision of new housing at Blean provided that any development is, amongst other requirements, in a location that is appropriate to the character and built form of the local centre. The evidence before me indicates that there is no designated settlement boundary for Blean and as such it must be a matter of judgement as to whether a site is in a suitable location relative to the settlement.
4. In this case, it is clear that the site is detached from the settlement as there are substantial gaps between properties and the appeal site and its surroundings are of a rural character that is distinguishably different from that of the settlement. The positioning of a highway sign and the location of the church are not grounds to conclude that the site is within the settlement. Similarly, I do not have sufficient evidence of the methodology of the Office of National Statistics to be able to afford weight to the map extract of 'built up areas' that has been provided. In this context, and as the exceptions that are listed within policy HD4 of the CDLP are not applicable, I find that this is not a suitable location for development in the context of the settlement pattern.

5. Notwithstanding the above, policy SP4 of the CDLP also requires that proposals comply with other policies of the local plan, including those relating to transport. In this regard policy T1 of the CDLP states that regard will be had to the scope for choice between transport modes when assessing development proposals. In terms of accessibility, the National Planning Policy Framework (The Framework) states that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas." Blean has some shops and services and bus stops that connect to larger settlements and there is a public right of way near to the site that leads towards the local school. However, the route to most local facilities would require the use of a long stretch of road that does not have a footpath. This would not encourage pedestrian use, especially after dark and during periods of inclement weather, and as such it is likely that the occupiers of the dwelling would be reliant on private motor vehicles to meet the majority of their day to day needs.
6. Although it has been indicated that the intended first occupiers of the dwelling will not be dependent on access to employment, any subsequent occupier might be, and future occupiers will be likely to require access to shops, education establishments, health services and other such facilities. As such, this factor does not justify granting planning permission for a dwelling in this location.
7. For the reasons set out above, the site would not represent a suitable location for residential development with regard to its location and the need to travel. The proposal would therefore be contrary to policies SP1, SP4 and HD4 of the CDLP which state that residential development within the countryside will not be supported other than in specific circumstances, will only be supported in Blean if the location is appropriate in the context of the settlement and where other local plan policies are complied with, including those that relate to transport such as policy T1 which is referred to above.

Character and Appearance

8. The site is accessed from Tyler Hill Road which has a character that changes along its length. Between the junction with the A290 and Blean Village Hall, the character is that of a large village with shops and houses in a tightly grouped arrangement. Beyond the Village Hall is a recreation ground which demarks the start of a looser pattern of development, with sporadic built form that gradually becomes more intermittent with farmland and hedges dominating the road frontage.
9. The appeal site sits within the Blean Conservation Area which includes part of Tyler Hill Road and the extensive open land either side of this road. Most built form within the Conservation Area, other than that which is along Tyler Hill Road, is close to School Lane or Vicarage Lane which are integrated with the settlement. The Grade II* listed church, which the appellant has stated was the location of the original settlement, is a significant landmark within the Conservation Area. The church, the layout of development and the openness of the locality are defining features of the Conservation Area and make the greatest contribution to its significance. I have paid special attention to the desirability of preserving or enhancing the character and appearance of the area.
10. The Mill House is the last dwelling on this side of Tyler Hill Road and has its side elevation fronting the road. The grounds serving that dwelling provides 2 points of access and extensive gardens to the front and rear which extend along the road.
11. The proposal would see the erection of a single storey dwelling which would be an obvious and conspicuous intrusion into the rural context of the site. The single storey form of the dwelling and the presence of vegetation at the boundaries of the

site would not prevent it being seen from the road and other locations within the surrounding area, particularly in winter, and as such the building would erode the rural character of the locality.

12. Whilst the dwelling would be constructed from materials that complement the locality and would be of a bespoke design that reflects the presence of existing trees at the site, these factors do not compensate for the significant effect that the erection of a dwelling would have on the character and appearance of the area. The additional sprawl of built development would erode the openness and spaciousness of the area and would undermine one of the defining features of the Conservation Area.
13. Although the harm to the significance of the conservation area would be less than substantial, the harm to its rural character would still be material. Based on the evidence provided this is not outweighed by the public benefits of the appeal scheme, which includes the delivery of additional housing.
14. The development would therefore have an unacceptable effect on the character and appearance of the site and the surrounding area and would also fail to preserve or enhance the Blean Conservation Area. Accordingly, the proposal would be contrary to policies DBE3, HE1 and HE6 of the CDLP which require that development, amongst other things, reinforces and contributes positively to the local context and protects, conserves and enhances the historic environment.

Other Matters

15. Despite it being suggested by the appellant that there has been a lack of housing development within the area, no evidence has been provided to demonstrate the absence of a 5 Year Housing Land Supply. In this context, I have no basis to conclude that the policies contained within the CDLP are out-of-date or that the approach set out at Paragraph 11d) of The Framework is engaged. In any event, as the proposal relates to one dwelling, any benefits arising in terms of housing supply would be minimal.
16. Whilst it has been indicated that insufficient affordable housing has been delivered, this proposal would not address any existing shortfall as it would be an open-market dwelling. In addition, I can afford no weight to the suggestion that a nearby site might be considered as a rural exception site for affordable housing as minimal details of any proposals have been provided and I have no evidence that such a development would proceed. The development plan policies surrounding such a proposal are also likely to be substantially different to those that apply to open-market housing. Similarly, I have insufficient details of the designation of nearby land for purposes associated with the University of Kent to be able to afford it any weight.
17. The potential energy efficiency credentials of the proposed dwelling that have been suggested by the appellant only relate to one aspect of the multi-faceted definition of sustainability that includes environmental, social and economic factors. Therefore, whilst this is a benefit of the proposal, it is not sufficient for the development to be considered sustainable in the context of The Framework. Neither is this benefit exceptional or unusual to an extent that it justifies allowing the appeal.
18. The former presence of a dwelling at the appeal site does not represent a reason to reach a different conclusion in respect of the main issues. Furthermore, whilst the site represents previously developed land, the benefit arising from the use of this land would not outweigh the harm that has been identified.

19. The dwelling has been designed to meet the potential needs of the appellant that may arise as a result of his personal circumstances and I appreciate the benefit of meeting these needs. I give weight to the circumstances of the appellant and have had due regard to the Public Sector Equality Duty as contained within section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, having given the matter careful consideration, these factors do not outweigh the considerable harm that would be caused by the proposal in respect of the main issues.
20. The appellant and supportive interested parties identify that no harm would be caused to the living conditions of neighbouring residents and that the proposal would enable the retention of trees at the site. These are neutral factors that do not weigh in favour of the proposal. Furthermore, any benefit the dwelling might have in terms of encouraging traffic to pass the site at a slower speed is not sufficient to outweigh the conflict with the development plan.
21. The Thames, Medway and Swale Estuaries and the Thanet Coast and Sandwich Bay Special Protection Areas (The SPAs) are European designated sites that are afforded protection by the Conservation of Habitats and Species Regulations 2017. The advice of Natural England indicates that the development might have an effect on The SPAs and, therefore, mitigation is required. A legal agreement to secure this mitigation was not sought by the Council due to the application being refused on other grounds and the absence of mitigation therefore represented a reason for the refusal of the application. The appellant has stated that they would be willing to provide the required mitigation, but it remains the case that no mechanism is in place to secure any such mitigation. Given my findings in respect of the main issues, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

22. For the reasons given above, the appeal is dismissed.

Ian Harrison

INSPECTOR