
Appeal Decision

Site visit made on 20 November 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/X2220/W/19/3236357

Land south east of Mill Cottage, Mill Lane, Staple, Kent CT3 1LB

- 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 Z Barnes against the decision of Dover District Council.
 - The application Ref 19/00344, dated 15 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is erection of a detached dwelling and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

(a) whether the proposed residential development would be appropriate in this location, and

(b) the effect of the proposal on the rural character and appearance of the area.

Reasons

Location

3. The appeal relates to a triangular parcel of land fronting Mill Lane, outside the defined settlement boundary for Staple and therefore within the countryside for planning policy purposes. Policy CP1 of the Dover District Council Core Strategy (2010) (DCS) sets out a settlement hierarchy in which Staple is listed as a "village". The site is located towards the edge of Barnsole which is not expressly referred to in Policy CP1 and therefore has the status of "hamlet", an area not suitable for further development unless it functionally requires a rural location.
4. The Land Allocations Local Plan for Dover (2015) (LALP) recognises that additional housing will be required in Staple to help sustain and strengthen its role in the settlement hierarchy but that opportunity for this is limited by its rural character and the setting of listed buildings. A minor change to the settlement confines was made by the LALP to facilitate this but since its adoption, the Council indicate that permission has been granted for 17 dwellings at Staple with another 6 enabled under prior approval procedures. Moreover, there have also been permissions for 20 dwellings at Barnsole, 4 at its northern end and 16 on a site abutting the appeal site's eastern boundary.

5. Policy DM1 of the DCS prohibits development on land outside designated settlement boundaries unless specifically justified by other development plan policies, or functionally requiring a such a location or being ancillary to existing development. The proposal is for one large market house which does not fit these criteria, and which would therefore conflict with this policy. However, the policy pre-dates the National Planning Policy Framework (the Framework) and is more restrictive than it. This limits the weight that should be applied to Policy DM1.
6. Policy DM11 of the DCS seeks to limit development outside of rural settlement confines that would generate high levels of travel. It is broadly consistent with Paragraph 78 of the Framework which states, *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities"*. The Council points out that the nearest hourly bus service has recently been terminated and that a new community taxi service offering 4 return journeys to Sandwich on weekdays is subject to a 12 month pilot. There is a public house in Barnsole that also provides a range of household groceries. Staple Village Hall and Church are over 500m to the north-west. The nearest settlements providing reasonable levels of shops and facilities such as schools are Ash (about 3km to the north) and Eastry (some 4km to the east) with Sandwich beyond this. Given these distances and the absence of convenient and regular public transport, it is highly likely that future occupiers of the proposed house would be heavily dependent on the use of private cars to access everyday goods and services; this would be contrary to Policy DM11 and Paragraph 78 of the Framework.
7. The appellant has referred to recent planning decisions at Barnsole in support of the proposal. Outline planning permission was granted on appeal for 4 houses at Barnsole Road¹ in 2017. However, at that time the Council could not demonstrate a five year housing land supply whereas now it can. Moreover, that site is closer to the public house and concentration of buildings at the centre of Barnsole whereas the appeal site is in a more peripheral location.
8. Planning permission was granted in January 2019 for 16 houses on the Summerfield Nursery site² which abuts the current appeal site. The permission is a material consideration given the proximity of the site and the extent to which it would change the character of the area if implemented. However, there are differing circumstances. The decision was also taken at a time when the Council could not demonstrate a five year housing land supply. The site is previously developed land comprising hard surfaces and glass houses whereas the appeal site appears undeveloped. Provision of 40% affordable housing was noted as a benefit of the scheme whereas the current appeal is for one market house. Finally, the Committee minute to the decision noted that *"any visual impact of the scheme would be very localised and sufficiently mitigated by the proposed replacement indigenous hedgerow planting"*. The house now proposed would be sited beyond screening boundary planting and would be perceived as a relatively isolated dwelling fronting Mill Road rather than part of the adjacent comprehensive development with access to Mill Lane.
9. These two decisions do not provide justification for the proposal. I have also noted an appeal decision from May 2019³ referred to by the Council in which

¹ Appeal Ref: APP/X2220/W/16/3157696

² Application DOV/18/00242

³ Appeal Ref: APP/X2220/W/18/3215593

permission for 4 houses on a site at Buckland Lane outside the defined confines of Staple was dismissed for being contrary to similar development plan provisions to the current appeal.

Character and appearance

10. The appeal site is relatively flat and set a little below the level of Mill Road which has a narrow carriageway with no footway or streetlights. There is arable open farmland to the south-western side of Mill Road and sporadic dwellings of differing designs in the wider area. Mill House and Mill Cottage to the north-west on the opposite side of the road are the nearest dwellings to the site; these are set back from the road and substantially screened by boundary vegetation.
11. By contrast, the proposed house would be sited close to the road and would be a prominent feature in the street scene. Whilst its appearance in more distant views of the site along both directions in Mill Road would be tempered to some degree by vegetation on adjacent sites, the proposal would appear as a substantial, conspicuous and incongruous feature in closer views.
12. The context of the site would be changed by the building out of houses on the adjacent nursery site, but this would be unlikely to significantly change how the site would be perceived in views along Mill Road. The proposal would make more effective use of this undeveloped site but would not safeguard and improve the environment, a requirement of Paragraph 117 to the Framework.
13. Policy DM15 of the Dover District Council Core Strategy (2010) (DCS) sets out criteria to control development that would adversely affect the character or appearance of the countryside. The proposal would not accord with any of the specified criteria. However, the policy is more restrictive than Paragraph 170 of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Although the weight afforded to Policy DM15 should therefore be moderated, the policy is nonetheless still of relevance and there would be conflict with its provisions.
14. The front elevation of the dwelling would be attractively designed but the flank walls would be poorly detailed and detract from the development's appearance in the street scene given its large scale, its forward siting, gable ends and the prominence of the flanks in views along Mill Road. The proposal would not readily assimilate into its rural context and would not accord with Paragraphs 127 and 130 of the Framework that require the layout and design of new development to be sympathetic to the surrounding built environment and landscape setting.

Other matters

15. It is possible that additional recreational activity associated with the proposal in combination with other developments could have a significant adverse effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area and Ramsar sites. However, as the appeal is to be dismissed in relation to other considerations, it is not necessary for me to consider the expediency of mitigation of such impact through an Appropriate Assessment.

Conclusion

16. The proposal would have the benefit of providing one additional dwelling which would make a limited contribution towards housing supply for the Council. However, the proposal would not be appropriate in this location having regard to relevant development plan provisions. The proposal would also have a detrimental effect on the rural character and appearance of the area. Its adverse impacts would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR