
Appeal Decision

Site visit made on 20 November 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/X2220/W/19/3235594

Land at Former Nursery and Builders Yard, The Forstal, Preston, Kent CT3 1DR

- 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 Kaskon Ltd against the decision of Dover District Council.
 - The application Ref 19/00021, dated 5 December 2018, was refused by notice dated 6 March 2019.
 - The development proposed is the erection of two detached dwellings with associated garages/car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with access and layout to be determined at this stage and appearance, scale and landscaping to be reserved matters for subsequent approval.
3. The Council has withdrawn its first reason for refusing the appeal application relating to settlement policy having regard to a recent appeal decision¹ in the vicinity of the site.
4. Whereas at the time of the refusal of the planning application the Council stated that it could not demonstrate a five year supply of housing land, it now claims that it can referring to data in the Authority's Monitoring Report for 2017/2018. The appellant has not contested this. Accordingly, the tilted balance referred to in Paragraph 11 of the National Planning Policy Framework (the Framework) is not engaged.

Main Issue

5. The main issue is the effect of the proposal on the rural character and appearance of the area in respect of its location and layout.

Reasons

6. The appeal site comprises an irregular shaped land parcel to the rear of frontage development along The Forstal. It is outside of the settlement confines of Preston, but close to it. According to the appellant, the land had previously

¹ Appeal Ref: APP/X2220/W/18/3205123.

Land between Look Cottage and Rose Cottage/Forstal House, The Forstal, Preston, Kent CT3 1DU

- been used as a builder's yard and open storage. However, it has been cleared in association with permission for two houses, now completed, on land immediately to the north of the appeal site, also behind frontage housing on The Forstal. The approved site plan to permission 15/00821 showed the appeal site as a landscape buffer to the rear of the back gardens to the houses with a public right of way running through the site and along its western side.
7. The proposed block plan shows the previously approved access from The Forstal to be extended between the two recently built houses and their back gardens to link to the appeal site. The layout shows a double garage provided for both of the dwellings now proposed, with the dwelling on plot 1 centrally sited on the western side of the site and that on plot 2 at right angles close to the eastern boundary. The triangle of land beyond the public right of way is shown as an allotment area for the development.
 8. Policy DM15 of the Dover District Council Core Strategy (2010) (DCS) sets out criteria to control development that would result in the loss of or adversely affect the character or appearance of the countryside. The policy pre-dates and 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. Whilst the weight afforded to Policy DM15 should therefore be moderated, Policy DM16 which seeks to protect landscape character is consistent with the Framework and should be afforded full weight.
 9. The Council's adopted Landscape Character Assessment document refers to extensive arable farming to the south of Preston, which translates to smaller fields as the village is approached, some sub-divided into horse paddocks, others with parkland-style tree planting. This is a fair description of the open countryside close to the appeal site. The document also notes that "*there is potential for development, but to maintain the integrity of the village character this needs to be carefully planned*".
 10. Whilst much development in Preston is linear in nature following the principal roads there are some deeper lying buildings including those recently granted permission adjacent to the appeal site. However, the two dwellings now proposed would be set back a considerable distance from The Forstal in an area bounded mainly by open land. The appellant has referred to new buildings on the adjacent site to the east, but the Council confirms they are unauthorised.
 11. Although the floor area and scale of the proposed dwellings has not been specified, even if accommodation is contained to a single floor, the buildings would be likely to impact on the open and largely undeveloped character around the site. The pitched roofs to the two recently constructed houses could be clearly seen from the intersection of the public right of way with Court Lane at the time of my visit. The landscape measures included within the permission for those houses would undoubtedly filter these views, but the two additional dwellings now proposed would largely negate this planting. The curtilages of the proposed dwellings have not been defined, but they would be significantly smaller than those of the recently constructed houses. The siting of the dwellings would be close to site boundaries and to the public right of way such that there would be little scope for mitigation of the landscape impact through screening vegetation. The buildings would be close to and conspicuous from the public right of way and would be perceived as impacting on an open area.

12. The location and layout of the development would have a significant adverse effect on the character, appearance and amenity value of the countryside close to the appeal site. The proposal would thereby be contrary to Policies DM15 and DM16 of the DCS and with Paragraph 170 of the Framework. There would also be conflict with Paragraph 127 of the Framework that requires the layout of new development to be sympathetic to the surrounding built environment and landscape setting.
13. The proposal would have the benefit of providing two additional dwellings that could be built out quickly and which would add to the Council's housing supply, but this benefit would be outweighed by the harm to the landscape character. The appellant infers an environmental improvement would arise from the redevelopment of a disused builder's yard, but the land has already been cleared through implementation of the previous planning permission.
14. The appellant has referred to a decision to enlarge Preston by 70 houses to its northern side and to appeal decisions² allowing residential development nearby, but the nature of those proposals and site circumstances differ from the current proposal. Moreover, each proposal should be considered on its own merits having regard to policies applicable at the time of decision taking.

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 an impact through an Appropriate Assessment.
16. Whilst there is one letter of support for the proposal from a third party, several local residents have objected often referring to issues to do with the recently constructed buildings. I have taken into account the points pertinent to assessment of the current appeal proposal.

Conclusion

17. The proposal would result in a significant adverse effect on the rural character and appearance of the area in respect of the location and layout of the dwellings with insufficient land remaining for meaningful mitigation of that impact. For the reasons given and having regard to all other matters raised the appeal is dismissed.

Rory MacLeod

INSPECTOR

² APP/X2220/W/17/3187592 and APP/X2220/W/18/3205123